



PLANNING

KIRKLEES LOCAL PLAN EXAMINATION

HEARING STATEMENT

MATTER 8 – APPROACH TO SITE
ALLOCATIONS AND GREEN BELT RELEASE

MARK LANE
ON BEHALF OF BELLWAY HOMES

HEARING STATEMENT

On behalf of: Bellway Homes

In respect of: Kirklees Local Plan Examination – Matter 8

Date: September 2017

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Contents

1.0 INTRODUCTION.....	4
2.0 QUESTION A).....	4
3.0 QUESTION B).....	11
4.0 QUESTION F).....	11
5.0 QUESTION G).....	12

Appendices

- Appendix 1: Qualifications and Experience
- Appendix 2: SL2163 within the Sustainability Appraisal
- Appendix 3: Proposed Housing Layout
- Appendix 4: Representation submitted in December 2016
- Appendix 5: Formal pre-app response to proposed development of SL2163

1.0 Introduction

- 1.1 This hearing statement is submitted on behalf of Bellway Homes in order to assist the Inspectors in their examination of the Kirklees Local Plan ('the Local Plan').
- 1.2 Bellway Homes have previously made representations to the Local Plan in respect of their land interests off Woodward Court/Hepworth Lane, Mirfield (Site ref: SL2163).

2.0 Question a) Has the Council undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt?

Introduction

- 2.1 No - the Council have not undertaken a robust and comprehensive assessment of development capacity within existing urban areas. There are fundamental flaws in their assessment of sites within the urban areas which has led them to dismiss the allocation of land which is suitable for housing development in favour of new housing allocations within the Green Belt.

NPPF

- 2.2 Paragraph 79 of the NPPF states that: -

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

- 2.3 Paragraph 84 of the NPPF goes onto states that: -

"When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary" [my emphasis].

- 2.4 The NPPF therefore recognises that the essential characteristics of Green Belts are their openness and their permanence and encourages the channelling of development to locations outside of the Green Belt.

Spatial Strategy

- 2.5 The Local Plan's Spatial Development Strategy provides the foundation for the strategic policies. The Spatial Strategy states on page 36 that: -

"The council has considered a place based approach alongside considering the role and function of settlements to provide the flexibility needed to reflect the unique character of Kirklees. This allows

most growth to be met in the main urban areas of Huddersfield and Dewsbury in accordance with the spatial vision and a more flexible approach elsewhere to achieve a sustainable pattern of development.” [my emphasis].

- 2.6 The associated text to the Spatial Development Strategy largely reflects the NPPF and states at paragraph 6.3 that: -

“As there is not sufficient deliverable and/or developable brownfield supply to meet needs throughout the plan period, a sequential approach to land release is set out including brownfield sites followed by greenfield sites within settlements (where not required for open space uses), urban extensions and detached green belt sites.” [my emphasis].

- 2.7 The Spatial Strategy for Kirklees is also clear in that land within the urban area should be identified for development before Green Belt land.

Sites in the Urban Area

- 2.8 Despite the guidance in the NPPF and the Spatial Strategic it is clear to me that the approach to the identification of land for development is not based on a robust and comprehensive assessment of all of the available sites within the existing urban area. This is particular true in relation to the Council’s assessment of land currently identified as Provisional Open Land (‘POL’) under Policy D5 of the Kirklees Unitary Development Plan (‘the UDP’).

- 2.9 Policy D5 of the UDP states that: -

“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 longer term.”

- 2.10 Supporting text associated with Policy D5 at paragraph 2.15 sets out the reasoning for allocating POL sites across the District and states that: -

“These sites are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it will be considered for allocation for development “[my emphasis].

- 2.11 POL sites are therefore sites which lie within the settlement limits of various urban areas within the District and which were protected from development at the time of the production of the UDP in order to provide a possible supply of land outside the Green Belt for future development. The UDP has specifically judged POL sites to be capable of development either now or when new infrastructure such as, roads and sewers, can be provided. Whilst the UDP made no distinction as to which POL sites could be development immediately or which sites might need new infrastructure it did however make clear that these POL sites were allocated in order to provide a supply of land to meet the possible future development needs of the District.

- 2.12 The UDP was adopted in 1999 and paragraph 2.16 indicates that the UDP was intended to be reviewed every 5 years to see if POL sites should be released for development - no such review has ever occurred. The UDP is now time expired (2006). The POL sites have been safeguarded from development for at least 18 years and 11 years of these years have been beyond the plan period.
- 2.13 It is clear to me that to comply with the guidance in the NPPF and the Spatial Strategy of the Local Plan all sites within the urban area, particularly POL sites, should have been robustly and comprehensively assessed before the Council considered Green Belt sites. The release of more land for development in the Green Belt than is absolutely necessary devalues the essential characteristics of Green Belts.

Green Belt Releases

- 2.14 Given the future development needs of the district and the level of housing required I accept that Green Belt land will need to be released.
- 2.15 The table below demonstrates that Kirklees intend to release almost 470 hectares of Green Belt land for housing or housing led mixed use developments which results in 61% of the new housing allocations being directed to the Green Belt. Whilst 205 hectares of this land already benefits from planning permission for housing development Kirklees Council are still proposing to remove 265 hectares of land from the Green Belt to accommodate new housing development.

	Huddersfield	Dewsbury & Mirfield	Batley & Spen	Kirklees Rural	Total
Housing Allocations (Exl Mixed Use Sites) (Ha)	198.79	208.69	90.84	143.43	641.75
Housing Allocations (inc Mixed Use Sites)	236.01	215.89	155.81	168.05	775.76
Housing Allocations (inc Mixed Use Sites) requiring Green Belt release	114.35	189.02	103.72	62.64	469.73
% of Housing Allocations (inc Mixed Use Sites) within the Green Belt	48%	88%	67%	37%	61%
Housing Allocations (inc Mixed Use Sites) with no extant permission requiring Green Belt release	114.35	16.38	98.54	35.41	264.68
% of Housing Allocations (inc Mixed Use Sites) with no extant permission requiring Green Belt release	48%	8%	63%	21%	34%

- 2.16 Large parts of the adopted Green Belt are therefore proposed to be allocated for housing or housing led mixed use developments.

The Approach to the Allocation of Sites Adopted by Kirklees

- 2.17 Given the stated purposes of POL it is rather surprising that not all of the POL sites have been allocated for development in the Local Plan – a significant proportion have been simply rolled forward as safeguarded land. The table below provides a list of POL sites that has been rolled forward as safeguarded land.

POL Site (Kirklees UDP)	Safeguarded Site Ref (New Local Plan)	Size (Ha)
North of Wyke Lane, Bradford	SL2203	4.62
Tong Moor Side, East Bireley, Bradford	SL2202	1.07
South west of Upper Batley Lane, Batley	SL2197	3.29
South of Fairfield Court, Halifax Road, Liversedge	SL2181	1.08
East of Kilnhouse Bank Farm	SL2331	1.17
Land West of Hebble Mount	SL3365	1.12
North of Elm Tree Close, Norristhorpe Lane, Liversedge	SL2175	1.95
Balderstone Hall Lane, Mirfield	SL2163	6.91
West of 27-75 Greenside Road, Mirfield	SL2171	1.17
South of Tolson Street, Dewsbury	SL2168	2.11
North of 42-90 Ravensthorpe Road, Dewsbury	SL2201	2.63
Land west of 241-299 Heckmondwike Road, Dewsbury	SL2198	2.26
Land south of Netheroyd Hill Road, Cowcliffe, Huddersfield	SL2193	2.4
Land east of Upper Quarry Road, Bradley, Huddersfield	SL2161	1.24
Land south east of Greenhead Lane, Huddersfield	SL2177	0.77
Land north of Kaye Lane, Almondbury, Huddersfield	SL2176	1.99
Land at Haughs Road, Quarmby Huddersfield	SL2268	16.82
South of Tudor Street, Slaithwaite, Huddersfield	SL2183	1.76
Thorncliffe Lane, Emley, Huddersfield	SL2204	1.44
Rodley Lane, Emley, Huddersfield	SL2205	0.54
North west of Turnshaws Road, Kirkburton, Huddersfield	SL2195	2.8
North west of Netherfield Close, Kirkburton, Huddersfield	SL2164	0.74
North of Dirker Drive, Marsden, Huddersfield	SL2184	1.67
West of 82-138 Mount Road, Marsden, Huddersfield	SL2167	0.86
Land East of Bradley Mill Road	SL2194	7.36
Land North of New Hey Road	SL2271	0.88

POL Site (Kirklees UDP)	Safeguarded Site Ref (New Local Plan)	Size (Ha)
East of Town Moor, Thurstonland, Huddersfield	SL2196	0.4
North of Holme Valley Memorial Hospital, Huddersfield Road, Thongsbridge, Holmfirth	SL2189	4.39
Cliff Lane, Holmfirth	SL2191	6.26
Robert Lane and Bill Lane, Wooldale, Holmfirth	SL2187	0.42
Land to the east of Far Bank, Shelley, Huddersfield	SL2173	2.5
South East of Dobb Lane, Hinchliffe Mill, Holmfirth	SL2166	1.61
West of Back Lane, Grange Moor	SL2182	0.77
North East of Laithe Avenue, Holmbridge, Holmfirth	SL2188	0.79
TOTAL		87.79

- 2.18 The quantum of Green Belt land proposed to be released for development could plainly have been minimised if the Council had properly explored the development potential of the existing POL sites in the above table.
- 2.19 If POL sites / safeguarded land cannot genuinely be developed in the plan period (which is questionable given that the plan period extends to 2031 and a lot can happen in 13 years), then an appropriate policy response might be to safeguard the land for a further period of time.
- 2.20 However, the Council approach of simply rolling forward POL sites is clearly inappropriate given the history to the POL allocations. In this regard the Council have either: -
- i) Not had insufficient regard to the information submitted to them by agents and land owners which demonstrates that the POL sites are available, suitable and deliverable; or
 - ii) The Council have not sufficiently explored ways to resolve any alleged development issues; or
 - iii) The Council are not sufficiently mindful of the potential to resolve any alleged development issues that may exist within the plan period.
- 2.21 This is particularly true of land off Woodward Court/Hepworth Lane, Mirfield (Site ref: SL2163) which despite being a POL site and within the existing development limits has been allocated as a safeguarded land in the Local Plan and not a housing allocation.
- 2.22 My concerns in this regard relate to the following matters: -
- i) The Councils Sustainability Appraisal; and
 - ii) The Current Planning Application
- I will turn to each of these matters below.

Sustainability Appraisal

- 2.23 The assessment of SL2163 within the Sustainability Appraisal (ref: SD5/EX14- Appendix 2) indicates that the development of the site will have a number of potential significant positive affects (++ or + score) including employment, housing, leisure and recreation, sustainable transport and climate change. I am somewhat surprised that the site only scores ++?/?+ in relation to education as SL2163 adjoins a primary school to the north and the score and the travel times referred to are difficult to understand. I know of no other housing site as close to a primary school as SL2163. It is considered that the whole site should have a ++ rating.
- 2.24 The only minor negative effects (a - score) relate to pollution, biodiversity, flood risk/drainage and waste. In relation to pollution issues the assessment indicates that there are residential properties to the south and west and a school to the north and that these may be affected by noise and light pollution during the construction phase. In this regard, we cannot see how SL2163 is any different to any other proposed housing allocation as most housing allocations will adjoin the existing urban areas. Notwithstanding this any construction affects will be temporary and can be readily controlled or mitigated by a construction management plan.
- 2.25 In relation to flood risk/drainage and waste the site lies in flood zone 1 and Yorkshire Water have confirmed that there is a sewer in Hepworth Lane which the foul waste from the site can discharge to. The depth of this sewer is sufficient to service the site for foul flows and there are no capacity issues associated with this sewer. Extensive soakaway tests have demonstrated that the surface water will discharge to the ground. The site should not have received a minor negative score for flood risk/drainage and waste.
- 2.26 In the case of biodiversity, it is clear from the layout, which is attached at **Appendix 3**, that rather than harm biodiversity it has the potential to result in significant biodiversity benefits.
- 2.27 With regards to the biodiversity, flood risk/drainage and waste it is plain that these minor negative factors either do not exist or have been resolved already or can be easily mitigated through an appropriately designed scheme.
- 2.28 The only significant negative scores (a -- score) relate to the efficient use of land and protecting the character of Kirklees and the quality of landscape. Whist I would query these conclusions in the first instance it is nevertheless clear that the allocation of POL sites is more sustainable and appropriate than the release of land from the Green Belt such as sites H442 (Land between Richmond Park Avenue and Sunnyside Avenue, Robbertown) just a few miles to the north of SL2163.
- 2.29 Indeed, putting Green Belt matters to one side and comparing H442 with SL2163 in simple sustainability terms, the sustainability appraisal indicates that whilst the development of H442 will give rise to the same number of benefits as developing SL2163, the development of H442 will give rise to 3 significant negative affects relating to pollution, use of land and protecting the landscape, compared to just the two significant affects resulting from developing SL2163. As such, in simple

sustainability terms the Local Plan allocates a less sustainable Green Belt site over a more sustainable site within the urban area.

- 2.30 The land off Woodward Court/Hepworth Lane, Mirfield (Site ref: SL2163) is therefore plainly a sustainable site to development for housing purposes and the Sustainability Appraisal does not raise any issue which would suggest that the site cannot be developed or that it should not be allocated for housing development

The Current Planning Application

- 2.31 The Council justification for not allocating SL2163 for housing development is that *“there is insufficient evidence to demonstrate that the site is deliverable and/or developable during the plan period”*. I find this overall conclusion most baffling.
- 2.32 Bellway Homes have previously submitted representation in December 2016 to the Local Plan which has demonstrated that SL2163 is available for development, the site is suitable for residential use and development is achievable and as such the removal of land from the Green Belt in preference to the development of the site. A copy of this representation is contained at **Appendix 4** and I would point the Inspectors to chapter 16 of this report. The Council were made fully aware that SL2163 was available and suitable for residential development and that development was achievable in the short term.
- 2.33 Further to this Bellway Homes have been preparing a planning application for the development of SL2163. A formal pre-app enquiry submitted was submitted to the Council on the 7th March 2017 in order to ascertain the Council’s views on a proposed residential scheme for 60 dwellings along with associated access, drainage, open space and landscaping. A copy of the sketch layout is attached at **Appendix 3** of this statement.
- 2.34 A meeting was held with Kirklees Council on the 11th April to discuss the proposals and key matters such as highways and drainage. Formal feedback was received from officers as well as from statutory consultees. A copy of the formal pre-app response is attached at **Appendix 5** of this report, which also summarises the feedback received from the statutory consultees.
- 2.35 The pre-app feedback was positive and whilst there are various aspects of the development that require some modification these are minor points that are being addressed as part of the preparation of the planning application. There is certainly nothing unusual or different to the normal site specific matters that must be addressed in respect of any housing site.
- 2.36 Indeed, the concluding comments of the pre-app response are that: -
- “The proposed development is considered to be acceptable in principle and, subject to the issues above being addressed, it is likely to be viewed as a sustainable form of development.”*
- 2.37 The Council are therefore clearly supportive of a housing development coming forward from this site and are of the view that the site is capable of delivering a sustainable housing development in the short term.

- 2.38 It is anticipated that the planning application will be submitted to Kirklees Council in late September 2017 and Bellway are hopeful of receiving a positive decision before the end of the year.

Conclusion

- 2.39 Despite the Council being made aware, both through the representation submitted in December 2016 and pre-application discussions regarding the imminent planning application, that SL2163 is suitable for housing development, that the site is available and that development is achievable the Council have chosen to ignore this and allocate the site as a safeguard land and as a consequence the Council has had to release more land from the Green Belt than necessary.
- 2.40 In light of the above it is my view that the assessment of development capacity within existing urban areas is flawed, in particular in relation to SL2163, and as such a robust and comprehensive assessment of development capacity within existing urban areas has not been carried out.
- 2.41 It is plain that the land off Woodward Court/Hepworth Lane, Mirfield (Site ref: SL2163) can be developed and that it will deliver much needed houses in the short term and should be allocated for development in preference to Green Belt land.

3.0 Question b) Do Exceptional circumstances existing which justify the release of Green belt land to accommodate some 11,500 new dwellings and additional employment land

- 3.1 Yes - the housing and employment need of the district do justify the release of Green Belt land. However, as I have set out in my answer to question a) above, the Council's approach to assessing the development capacity in the existing urban area is flawed and this has resulted in a greater quantum of land being removed from the Green Belt Land than is required.

4.0 Question f) The Plan identifies a number of safeguarded sites on land not currently within the Green Belt. Is this approach justified and in line with national policy and guidance.

- 4.1 The Local Plan allocates the following sites, previously identified within the UDP as housing allocations as safeguarded land:

- SL2292
- SL3363
- SL2273
- SL2302

These sites are already outside the Green Belt and within the urban area.

- 4.2 Paragraph 85 of the NPPF states that when defining boundaries LPA should: -

“where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period” [my emphasis]

4.3 The NPPF is clear in that land can only be safeguarded if it sits between the urban area and the Green Belt. Safeguarded land is plainly intended to relate to land taken out of the Green Belt to provide for the long-term permanence of the Green Belt rather than prohibiting the development of land within the urban area.

5.0 Question g) What evidence is there to demonstrate that safeguarded sites which have been assessed as unsuitable or undeliverable for housing development over the Plan period will be capable of delivering for this use in the longer term?

5.1 Kirklees Council do not provided detailed information within the Local Plan as to the reasons why safeguarded sites are not deliverable or developable within the Local Plan period. The information that does exist is provided within the various technical assessments of the sites such as the Sustainability Appraisal. However, the sustainably appraisal offers no indication as to how certain site constraints or restrictions on development can be overcome in the long term to ensure that safeguarded sites are delivered after the plan period.

5.2 This reinforces my concerns about the lack of knowledge that the Council appears to have regarding the proposed safeguarded land allocations. As I have already stated the Council appear to have no real understanding of deliverability issues affecting these sites and I have demonstrated this in relation site SL2163. This causes me some concern as SL2163 is clearly suitable and available for housing development and it has been demonstrated to the Council that development can be delivered in the short term.

Appendix 1

Qualifications and Experience

My name is Mark Lane and I am a Director of DPP, an independent town and country planning consultancy. DPP operates out of 5 offices and I am based at the company's Leeds office.

I hold a BA Honours Degree in Town Planning and I am a member of the Royal Town Planning Institute.

I have over 25 years' experience in private consultancy and I have been involved in a full range of planning and development matters. I have contributed to numerous Local Plan examinations and participated in several hearing sessions. I have provided also have advised both the public and private sector on a full range of planning issues for many types of development. I have progressed applications for a number of different schemes and have been involved in the preparation and presentation of evidence at Call-in, Section 78 and Enforcement Inquires.

I have considerable knowledge of the Leeds region, the preparation of the Leeds Site Allocations Plan; and the relevant evidence base and background papers, including the Core Strategy,

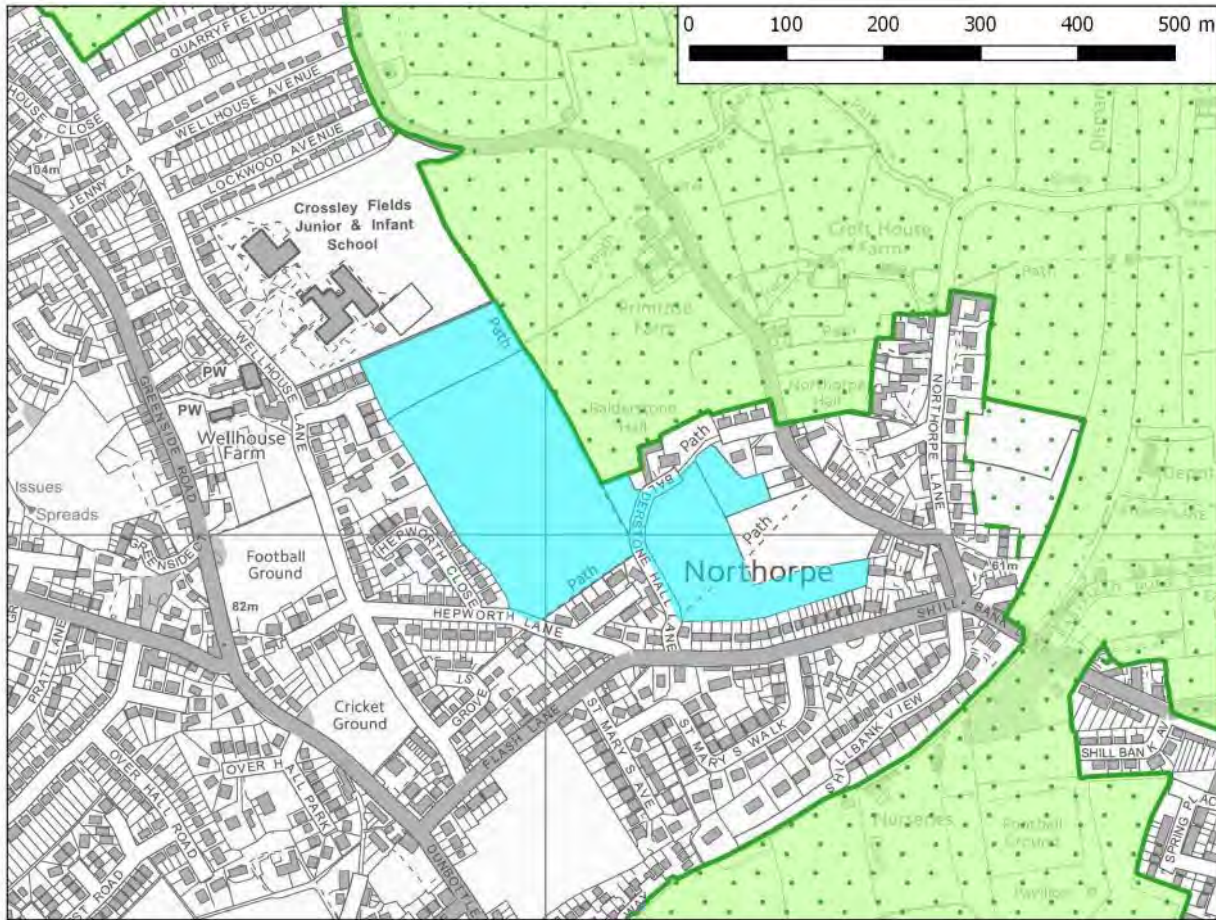
I can confirm that the opinions expressed in this Statement are my true and professional opinion and have been prepared in accordance with the RTPI code of professional conduct

Appendix 2

SL2163 within the Sustainability Appraisal

SL2163 - Balderstone Hall Lane, Mirfield

Accepted Safeguarded Land Sites: SL2163



Legend

- Safeguarded Land
- Green Belt 2015
- Green Belt PDLP
- Kirklees



Policy Unit
Research & Intelligence Team

Date: 2017-06-08
Filename: Safeguarded Land Sites/SL2163

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SL2163**Balderstone Hall Lane, Mirfield**

Proposed Land Use	Safeguarded Land
Is the site Green/Brownfield?	Greenfield
Is the site in the Greenbelt?	Site in not in the Greenbelt
Settlement Position	Within Settlement
Gross area (Ha)	6.91
Net area (Ha)	6.91
Housing Capacity	241
Employment Floorspace	-

Technical Consultation summaries

Education		There is no immediate need for additional Primary or Secondary school places. There is however an increasing trend for Secondary school places.
Biodiversity		No objections raised
Historic Environment		There is a group of Grade II Listed Buildings at Balderstone Hall. The loss of this site and its subsequent development could harm elements which contribute to their significance .
Flood risk and Drainage		Main river flood zone 1; No objection. No objections raised to surface water flood risk or surface water drainage.
Highways/Transport		Third party land required to achieve visibility splays. Hepworth Lane is unsuitable for intensification.
Environmental Protection		No objections raised, Air Quality Impact Assessment, Low Emission Travel Plan and Phase 1 Contaminated Land Report required.
Other Constraints		Part or all of the site lies within a high risk coal referral area.
Open Space	N/A	N/A
Public Health		Levels of physical activity are lower than the Kirklees average.
Green Belt Edge	N/A	N/A
Green Belt Site	N/A	N/A
Exceptional Circumstances	-	N/A
Overall Conclusion	-	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.

SL2163_H125: Balderstone Hall, Mirfield (not allocated in the Publication Draft Local Plan)

SA Objectives	SA Score	Justification
1. Increase the number and range of employment opportunities available for local people, and ensure that they are accessible.	+/++	While the location of housing sites will not influence the number location or type of employment opportunities available in Kirklees the Access to employment nodes varies within this site. The north western part of the site is within 26-30 minutes travel time of the nearest employment node; however an area within the centre of the site is within 16-20 minutes travel time from the nearest employment mode. In between, journey times vary in between these two extremes. Therefore a mixed effect on this objective is expected – minor positive in the north western part of the site and significant positive in the southern part.
2. Achieve an economy better capable of growth through increasing investment, innovation and Entrepreneurship.	0	• The location of housing sites will not affect the success of the local economy. While housing development may result in job creation during the construction phase, this will not be influenced by the location of the development. Housing provision may also affect the size and location of the local workforce; however this is considered separately under SA objective 1 above. Therefore, the effects of all residential site options will be negligible.
3. Ensure education facilities are available to all.	++?/?	The availability of school and college places to serve the growing population will depend in part on whether new places are provided as part of Access to education facilities varies within this site. Most of the site is within 6-10 minutes travel time of a primary school although an area in the north is within 0-5 minutes. The north western part of the site is 21-25 minutes from a secondary school, while the rest of the site is within 16-20 minutes of a secondary school. The whole site is also within 30 minutes of a further education facility, with most of the site being within 21-25 minutes travel time. A mixed effect on this objective is therefore expected – minor positive in the northern part and significant positive for the rest of the site.
4. Improve the health of local people and ensure that they can access the health and social care they need.	+/0	The location of housing sites will not affect the number or location of healthcare facilities; however where healthcare facilities are easily accessible from housing sites there will be positive effects on residents' health. Access to healthcare facilities varies within this site. The centre and south of the site is within 11-15 minutes travel time of a GP and within 41-45 minutes of a hospital; however the north western part is within 16-20 minutes travel time of a GP and 46-50 minutes from a hospital. A mixed effect on this objective is therefore expected – minor positive in the centre and south of the site and negligible in the north western part. The site is not within or adjacent to an AQMA.
5. Protect local amenity including avoiding noise and light pollution.	-	Where new residential development is proposed within close proximity of sensitive receptors there may be negative effects on amenity as a result of increased noise and light pollution, particularly during the construction phase. New residential development within close proximity of major roads or railways or industrial areas may result in noise pollution affecting residents in the longer term. This site is not surrounded by existing residential properties; however there are existing residential properties adjacent to the southern and western boundaries of the site which may be affected by noise during the construction phase. A minor negative effect on this SA objective is therefore likely.
6. Retain and enhance access to local services and facilities.	+/0	The location of housing sites will not directly affect the number or range of services in a particular location (although a large scale housing development could potentially stimulate the provision of new services); however the location of housing sites could affect this objective by influencing people's ability to access existing services and facilities. Access to local and town/district centres varies within this site. Most of the site is within 6-10 minutes travel time of a local centre and within 11-15 minutes of a town/district centre; however the north western part is within 11-15 minutes travel time of a local centre and within 16-20 minutes of a town/district centre. Therefore a mixed effect on this objective is likely – negligible in the north western part and minor positive elsewhere.
7. Make our communities safer by reducing crime, anti-social behaviour and the fear of crime.	0	The effects of new housing developments on levels of crime and fear of crime will depend on factors such as the incorporation of green space within the housing sites which, depending on design and the use of appropriate lighting, could have an effect on perceptions of personal safety, particularly at night. However, such issues will not be influenced by the location of housing sites (rather they will be determined through the detailed proposals for each site) and so the effects of all of the potential residential sites on this SA objective will be negligible.
8. Protect and enhance existing and support	++/-/?	This site is partially bisected by a Public Right of Way which could be lost as a result of housing development. However the site is within 600m
9. Ensure all people are able to live in a decent home which meets their needs.	++	All of the potential residential sites are expected to have positive effects on this objective, due to the nature of the proposed development and it is assumed that housing developments will include an appropriate proportion of affordable housing. This site is relatively large (6.91ha); therefore a significant positive effect is likely.
10. Secure an effective and safe transport network which encourages people to make use of sustainable and active modes of transport.	++	How well connected housing sites are to services, facilities and employment opportunities by sustainable modes of transport will affect the extent to which residents are able to make use of non car-based modes of transport day to day. In the accessibility heat mapping work that was undertaken for Kirklees Council, this site was classed as mainly or entirely 'green' in terms of its access to six of the eight features assessed. Therefore, a significant positive effect is likely.
11. Secure the efficient and prudent use of land.	--	Where development takes place on greenfield land or areas of high quality agricultural land it is a less efficient use of land than development on brownfield sites or sites of lower quality agricultural land. This is a relatively large site (6.91ha) on greenfield land; therefore a significant negative effect on this SA objective is likely. A small area in the north of the site is Grade 3 agricultural land which would be lost to development; however the remainder of the site is classed as 'urban' land.
12. Protect and enhance the character of Kirklees and the quality of the landscape and townscape.	--?	This is a relatively large site (6.91ha) on greenfield land; therefore development here could have a significant negative effect on this SA objective although this is uncertain depending on the design of the development. The site is not within 500m of the Peak District National Park. The site lies across LCA E8: Batley-Dewsbury Rural Fringes and an area classed as 'urban', as identified in the 2015 Landscape Character Assessment for Kirklees. LCA E8: Batley-Dewsbury Rural Fringes comprises gently undulating land with varied tree cover. Urban expansion and associated land uses are spreading into the farmland landscape. Some areas still retain a relative sense of tranquillity and rural character, however increasing urbanisation creates a landscape of transition.
13. Conserve and enhance the historic environment, heritage assets and their settings.	?	Historic England has rated this site as 'orange' in terms of the potential for effects on the historic environment, due to the uncertain potential impacts on a group of Grade II Listed Buildings at Balderstone Hall. The loss of this site and its subsequent development could harm elements which contribute to their significance. The effect on this SA objective is therefore uncertain and the potential for effects on cultural heritage assets will depend on the exact scale
14. Maximise opportunities to protect and enhance biodiversity and geodiversity.	-?	This site is approximately 933m from the Sunny Bank Ponds Local Nature Reserve and Local Wildlife Site; therefore development here could have a minor negative effect on this SA objective.
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 is outside of flood zones 2 and 3; therefore a minor negative effect is likely.
17. Increase prevention, re-use, recovery and recycling of waste close to source.	-	Where housing 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. This site is on greenfield land; therefore a minor negative effect is likely.
18. Increase efficiency in water, energy and raw material use.	0	While all new residential development is likely to involve an increase in energy and water consumption this will not be influenced by the location of residential sites. Similarly, all residential development will result in the increased consumption of minerals for construction but this will not be influenced by the location of residential sites. Therefore all sites will have a negligible effect on this SA objective.
19. Reduce the contribution that the district makes to climate change.	++	The location of residential development will not affect the contribution that the buildings make to climate change, which will be influenced by other factors such as the design of the buildings. However, where residential sites are well-connected by sustainable transport links to employment nodes services and facilities levels of car use and the associated greenhouse gas emissions are likely to be lower. In the accessibility heat mapping work that was undertaken for Kirklees Council, this site was classed as mainly or entirely 'green' in terms of its access to six of the eight features assessed. Therefore, a significant positive effect is likely.
Summary of SA findings: Potential significant positive effects were identified for this site in relation to SA objectives 1: employment, 3: education and 8: leisure and recreation (all of which are part of a mixed effect overall) as well as for SA objectives 9: housing, 10: sustainable transport and 19: climate change. Potential significant negative effects were identified in relation to SA objectives 8: leisure and recreation (part of a mixed effect overall), 11: land use and 12: landscape and townscape. These issues will need to be considered further in terms of mitigation and/or enhancement which may be achieved through Local Plan policies.		

Conformity with NPPF

There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031. In this case third party land would need to be acquired which is not currently available.

Appendix 3

Proposed Housing Layout



Client	Bellway Homes
Project	Mirfield
Job Number	SK01-03.02.17

Name	Total Units
Stanley	6
Beswick	8
Hawthorne	7
Willow	2
Elder	1
Maple	4
Rowan	4
Mulberry	4
Acacia	5
Hambleton	7
Total	48

A2	6
A3	6
Total	12

Overall Site Total	60
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Appendix 4

Representation submitted in December 2016



PLANNING

**PUBLICATION
CONSULTATION DRAFT
RESPONSE**

BELLWAY HOMES YORKSHIRE LTD

HEPWORTH LANE, MIRFIELD

PUBLICATION CONSULTATION DRAFT RESPONSE

On behalf of: Bellway Homes Yorkshire Ltd

In respect of: Hepworth Lane, Mirfield

Date: December 2016

Reference: 2560le/r01

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Contents

1.0	INTRODUCTION	4
2.0	TESTS OF SOUNDNESS	5
3.0	THE SITE	6
4.0	THE EXISTING DEVELOPMENT PLAN POSITION	7
5.0	POLICY PLP 1 – PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT	9
6.0	POLICY PLP 2 – PLACE SHAPING	10
7.0	DISTRIBUTION OF HOUSING ALLOCATION	12
8.0	POLICY PLP 3 - LOCATION OF NEW DEVELOPMENT.....	13
9.0	POLICY PLP 5 – MASTERPLANNING SITES.....	14
10.0	POLICY PLP6 - SAFEGUARDED LAND.....	16
11.0	POLICY PLP 7 – EFFICIENT USE OF LAND AND BUILDINGS	18
12.0	HOUSING REQUIREMENT	20
13.0	SUSTAINABILITY APPRAISAL REPORT	23
14.0	APPROACH TO GREEN BELT RELEASES	24
15.0	LACK OF A HOUSING ALLOCATION	25
16.0	SAFEGUARDED LAND ALLOCATION – SL2163.....	30
17.0	SUMMARY.....	31

1.0 Introduction

- 1.1 We write on behalf of our client, Bellway Homes Yorkshire Ltd ('the Client'), in relation to the Publication Draft Local Plan Strategy and Policies document ('the Local Plan') and its associated evidence base. This representation in particular sets out the case for the allocation of the land off Hepworth Lane, Mirfield ('the Site') (Site Reference Number SL2163/H125) for housing purposes.
- 1.2 We have now had the opportunity to read the Local Plan and its associated evidence base and we have a number of comments.
- 1.3 All quotations are in italic and where italic text is underlined it is our emphasis.

2.0 Tests of Soundness

2.1 Paragraph 182 of the NPPF indicates that a local plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. 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.

3.0 The Site

- 3.1 The land which is the subject of the site specific part of this representation is known as Land off Hepworth Lane, Mirfield (Site Reference Number SL2163).
- 3.2 The Site is 4.77 hectares in size and lies to the rear of residential dwellings off Woodward Court, Hepworth Close and Hepworth Drive.
- 3.3 To the west the Site is bounded by the rear curtilages of detached and semi-detached properties along Woodward Court and Hepworth Close. Further to the west, and beyond these residential areas, is Wellhouse Lane. On the opposite side of Wellhouse Lane there are various sports and recreational facilities. From Wellhouse Lane there are various routes through to Greenside Road on which there are several bus stops (service numbers 202 and 205) and local services and facilities. To the south the Site is bounded by Hepworth Lane, a residential road, and the rear curtilages of detached and semi-detached properties along Hepworth Drive. At the junction of Hepworth Lane and Flash Lane there are further bus stops (service numbers 202 and 205). To the north the Site is bounded by Crossley Fields Junior and Infant School beyond which is further residential development. To the east the Site is partly bounded by a road to a residential property and in the other part by open countryside. The northern part of the eastern boundary forms the edge of the defined Green Belt.
- 3.4 The Site lies within the urban area of Mirfield and it is currently divided into two fields; the field boundary is formed by a mature hedgerow, which are used for grazing purposes.
- 3.5 The Site is therefore bounded on three and a bit sides by the urban development or land within the urban area.

4.0 The Existing Development Plan Position

4.1 The Site is currently shown on the Kirklees Unitary Development Plan ('the UDP') Proposals Map as lying within the defined urban area of Mirfield and to be allocated as Provisional Open Land ("POL Land") under Policy D5.

4.2 Policy D5 states that:

'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 longer term' (our emphasis)."

4.3 The supporting text to Policy D5 (Paragraphs 2.15 and 2.16) discusses the reasoning for allocating POL Land across the District and states:

'Urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provisional open land. These sites are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it will be considered for allocation for development' (our emphasis).

4.4 The UDP goes on to state in relation to POL Land that:

'Reviews of the plan are required at least every 5 years. The reassessment of provisional open land will involve determining for each site 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 provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances' (our emphasis).

4.5 The UDP therefore specifically judged the Site to be capable of development and protected the land from development within the UDP plan period so that it could provide for the future development needs of the district.

4.6 The existing allocation of the Site is therefore significant and material and given this allocation it can only be concluded that there is a presumption in favour of the allocation of the Site for residential development.

4.7 In order to provide land to meet the Council objective assessment of need the LPA are proposing to remove significant tracts of land from the Green Belt. Whilst this is inevitable it is nevertheless clear that urban sites and POL Land should be considered for development in preference to Green Belt sites.

- 4.8 As we will turn to later there the Council have provided no substantive reason not to allocate the Site for residential development. This is unsound and contrary to national and local planning policy.

Soundness

- 4.9 The Site is currently shown in the UDP as being allocated as POL or safeguarded land. It is land that has been recognised as having potential for development for around 20 years. To allocate land for development in the Green Belt in preference to bring the Site forward is inappropriate, it is not justified and inconsistent with national policy. The policy is therefore considered to be **unsound**.

Modification

- 4.10 To make the Local Plan sound we suggest that the Site at Hepworth Lane, Mirfield should be allocated for residential development during this plan period.

5.0 Policy PLP 1 – Presumption in Favour of Sustainable Development

- 5.1 This policy simply repeats guidance contained in the NPPF. The NPPG at Paragraph 010 Reference ID: 12-010-20140306 states that: -

'In drafting policies the local planning authority should avoid undue repetition, for example by using generic policies to set out principles that may be common to different types of development. There should be no need to reiterate policies that are already set out in the National Planning Policy Framework.'

- 5.2 This policy is not in accordance with national advice and is therefore unsound.

Soundness

- 5.3 This policy is inconsistent with national guidance and therefore the policy is unsound.

Modification

- 5.4 As this policy simply repeats the NPPF it, in accordance with the above guidance, is not required and as such it should be deleted.

6.0 Policy PLP 2 – Place Shaping

- 6.1 Policy PLP 2 states that *‘All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below.’*
- 6.2 Policy PLP 2 then sets out 4 character areas, the Huddersfield sub area, the Batley and Spenningsdale sub area, the Dewsbury and Mirfield sub area and the Kirklees Rural sub area and outlines the strengths/opportunities for growth and challenges to growth in each sub area.
- 6.3 We agree with the need to have a section or policy that describes the character of a particular place or area.
- 6.4 The description of the sub areas often just appears to be a list of factual information which are not very helpful to a developer who is trying to create a well-designed scheme. Many of the bullet points relate to strategic matters or matters that often cannot be addressed or are of little relevance to a development.
- 6.5 Where there is a material point we would have expected to see some cross reference to other policies in the Local Plan. For example, in the Huddersfield sub area it refers to a shortage of grade A office space. We would have expected to see a reference to a policy providing details as to how this is to be addressed.
- 6.6 This type of approach is useful if it describes the character of a settlement where growth is being directed as this will inform the reader as the likely consideration that will or have been taken into account. However, the policy seeks to describe wide and diverse areas and lacks any meaningful cross referencing and therefore it neither provides guidance to the Council as to where development should be located or assistance to developers in considering development proposals.
- 6.7 Paragraph 154 of the NPPF states that *‘Local plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.’*
- 6.8 It would be better if this policy was focused on smaller geographical areas possibly describing the strengths, opportunities and how to help address the challenges facing key settlement identified through a settlement hierarchy.

Soundness

- 6.9 This policy could be really useful but as it stands it does not provide a clear indication of how a decision maker should react to a development proposal and as such should not be included in the

Local Plan. The policy has therefore not been positively prepared, justified and it will not be effective and as such it is inconsistent with national policy. The policy is therefore unsound.

Modification

To make the policy sound we suggest that this policy should be focused on smaller geographical areas possibly settlements within a settlement hierarchy, and describe the strengths, opportunities and challenges in a specific manner and setting out measureable objectives.

7.0 Distribution of Housing Allocation

- 7.1 The Local Plan indicates that the policies and proposals have been developed around a spatial development strategy which cuts across several themes. It indicates that it has taken into account the spatial vision, strategic objectives and the place shaping agenda for Kirklees to provide a strategy which has combined them together.
- 7.2 The Local Plan goes onto indicate that *‘where appraisal of existing settlements indicates that there is a greater level of services/facilities, this has been given preference when considering development options, but a strategy which only indicates the existing capacity of each settlement would not be capable of delivering the identified objectively assessed needs for the district in full. To do this the council has considered a place based approach alongside considering the role and function of settlements to provide the flexibility needed to reflect the unique character of Kirklees. This allows most growth to be met in the main urban areas of Huddersfield and Dewsbury in accordance with the spatial vision and a more flexible approach elsewhere to achieve a sustainable pattern of development.’* The Local Plan considers that this *‘is an appropriate strategy for the district as it recognises the character of the district but also allows for the objectively assessed needs to be met in full’*.
- 7.3 However, there is no evidence of a settlement appraisal or an appraisal considering the role or function of each individual settlement. Consequently, it is unclear how the allocations have been distributed. Other than the vague principle set out within the Spatial Development Strategy and under policy PLP 2 it is impossible to interpret the Local Plan rationale. Because of the way the Local Plan has been drafted it is not possible to interrogate the appropriateness of the distribution of the housing requirement. This lack of transparency makes it difficult to comment on whether or not the housing distribution across the District is appropriate or not.

Soundness

- 7.4 The distribution of the housing allocations within the Local Plan has not been positively prepared, and justified and as such the plan will not be effective and is not consistent with national guidance. the Local Plan is therefore unsound.

Modification

- 7.5 To make the Local Plan sound the housing and employment land distribution strategy needs to be properly explained and justified.

8.0 Policy PLP 3 - Location of New Development

- 8.1 Policy PLP 3 is entitled “location of new development”. It is similar to the policy on delivering growth and sustainable development and suffers from the same problems in that it seeks to set out a broad spatial framework but fails to tell the reader how this will be achieved.
- 8.2 For example, Policy PLP 3 tells the reader at 1a) that the location of development will reflect the settlement size but nowhere in the document are the respective settlement sizes set out. Neither does the policy or the document indicate how much development is being directed to any particular settlement. Therefore, the reader cannot know how the development needs of the district or a settlement are to be met.
- 8.3 Part 1b) tells the reader that the location of new development will be informed by place shaping strengths, opportunities and challenges for growth. This is another generalised statement.
- 8.4 In relation to 1c) the policy informs the reader that the development needs of the district will be guided by spatial priorities for urban renaissance and regeneration but again it does not tell the reader (as far as we can establish) what these spatial priorities are, which settlements they relate to and how they are to be applied.
- 8.5 Part 1d) tells the reader that the location of development will be informed by the need to provide new homes and jobs.
- 8.6 Policy PLP 3 contains generalised statements but no details and therefore it is simply not possible to use this policy to understand how the site allocations have been arrived at or where new development is likely to be considered acceptable. The policy is therefore ambiguous.

Soundness

- 8.7 We do not consider that Policy PLP 3 has been positively prepared in that it fails to provide clear and unambiguous guidance and therefore it is not capable of directing growth/determining development proposals. We also consider that the Policy PLP3 is not justified and will not be effective and is therefore inconsistent with national policy. The policy is therefore considered to be **unsound**.

Modification

- 8.8 To make the policy sound we suggest that it should be made more specific.

9.0 Policy PLP 5 – Masterplanning sites

- 9.1 This policy states that ‘*masterplans must involve the all relevant stakeholders, including the council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the council prior to the submission of a planning application.*’ The policy then goes into considerable detail as to what will be required and shown on the masterplans.
- 9.2 The use of the words “must” and “will” are inappropriate as it provides no flexibility. This policy is therefore not consistent with national guidance.
- 9.3 The production of a masterplan represents good practice on very large site which complication phasing and delivery issues. We have no objection to the production of a masterplan when one can be justified. However, the policy infers that a masterplan will be required to support all developments regardless of the size or the type of application – this is inappropriate.
- 9.4 The policy does suggest that masterplans will be expected to achieve a number of the considerations listed in the policy proportionate to the scale of development. There is no guidance given as to what the word proportionate might mean or factors that need to be addressed when a proposal is of a particular size. Again this is inappropriate.
- 9.5 Despite the lack of guidance, it seems onerous to prepare a masterplan if an applicant is to submit a full planning application on a small or medium sized site. A master planning exercise is only truly beneficial for outline applications on large and complicated sites. There is little merit in producing a masterplan particularly for a small or medium sized site.
- 9.6 Whilst it is often good practice to engage with the LPA and the community before the submission of a planning application there is no requirement to do so. Furthermore, there is no requirement to consult all relevant stakeholders, including landowners, local communities, services providers and interested parties. Whilst it may be best practice to consult all or some of these parties it is often not necessary to do so. This is an onerous obligation that goes beyond what is reasonably required. This policy is therefore not consistent with national guidance.
- 9.7 Also some of the information stipulated as being required within the policy might not be known even for a full planning application e.g. the timing of the connections to infrastructure. For an outline application, with all matters reserved, other than the submission of an indicative layout plan much of the information would not be available. For example, one of the reasons an applicant would submit an outline application is that they do not have house type information and therefore they cannot show how a strong sense of place would be created.

Soundness

- 9.8 We considered that Policy PLP 5 has not been positively prepared in that it is onerous and unreasonable and will not be effective and is therefore not justified. As such the policy is also not consistent with national policy and is unsound.

Modification

- 9.9 To make the Local Plan sound we suggest that the requirement to produce a masterplan should be incorporated into the individual site allocations where it is appropriate and can be justified. In the alternative the policy should be amended to encourage the production of masterplans rather than require them.

10.0 Policy PLP6 - Safeguarded Land

10.1 Policy PLP 6 of the Local Plan relates to safeguarded land and states that:

'Areas identified as safeguarded land will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long term development on safeguarded land sites.'

The status of safeguarded land sites will only change through a review of the local plan.'

10.2 The Local Plan recognises the need to ensure that once defined, the Green Belt remains permanent and as a consequence it proposes safeguarding land to provide options to meet the future development needs of the district.

10.3 Paragraph 83 of the NPPF makes it clear that *'once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.'* Green Belts are therefore intended to endure well beyond the end of the plan period.

10.4 It is important that a sufficient supply of safeguarded land is therefore provided to ensure that the Green Belt boundaries, once redefined, do not need altering at the end of the plan period. It is general accepted that Green Belts are normal intended to remain permanent for 25 years.

10.5 The Local Plan indicates that 115ha of land will be provided in the District over the Plan period. The Local Plan indicates that at 35 dwellings per hectare this equates to 4,000 new homes. The Local Plan also envisages two sites will deliver 2,000 completions after the end of the plan period. At 6000 dwellings this is only equates to a housing land supply of 3.46 years.

10.6 If we assume that the Local Plan will not be adopted until 2018, at the earliest, the Green Belt would be expected to endure unaltered until 2043. The Local Plan at present only allocates sufficient land to allow the Green Belt to endure to about 2035. This will mean that the Green Belt will have to be reviewed early and therefore the Green Belt will not be considered permanent.

10.7 A 3.46 year supply of land cannot be sufficient to ensure that the Green Belt will endure well beyond the end of the plan period.

10.8 Without a proper supply of safeguarded land, the Local Plan cannot be considered to have been positively prepared, it is not justified or effective and is not consistent with national policy.

Soundness

- 10.9 Policy PLP 6 of the Local Plan has not been positively prepared, is not justified and will be ineffective. The Local Plan is also not consistent with national guidance. The Local Plan is therefore unsound.

Modification

- 10.10 To make the plan sound the LPA should allocate or show how it can accommodate 12 years supply of development beyond the end of the plan period i.e. up to 2043. This would equate to land for 20,760 dwellings assuming the annual requirement in the Local Plan is correct.

11.0 Policy PLP 7 – Efficient Use of Land and Buildings

- 11.1 We object to the second part of Policy PLP 7. The equivalent policy in the Preferred Option draft plan suggested that developments should achieve a net density of at least 30 dwellings per hectare, where appropriate and that higher densities will be sought in principal town centres and in areas close to public transport interchanges. The policy indicated that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development would be compromised viability, or to secure particular house types to meet local housing needs. We general support the above.
- 11.2 Without substantive evidence the Council in policy PLP 7 now suggests that developments should achieve a net density of at least 35 dwellings per hectare.
- 11.3 Paragraph 5.11 of the housing technical paper suggests that the standard density used to derive indicative site capacities is 35 dwellings per hectare. This is based on the previous densities delivered on sites of 0.4ha or above. It does not provide a reason for the increase in the standard density used.
- 11.4 Paragraph 5. 13 of the housing technical paper states that *'the density of previously completed sites is based on the number of homes divided by the whole red line planning application area with some exceptions. As the number of dwellings is divided by the whole area, these density calculations include areas of public open space and estate roads.'* This is not a net density but appears to be a gross density. We are therefore unclear what the LPA are calculating.
- 11.5 Notwithstanding the above the policy position is based on historic analysis of completed schemes. This gives a false picture of what development densities are achievable today. In the past there would have been a predominance of windfall development on relatively small sites. On small sites there is no requirement for on-site public open space. Historically there was also not such an emphasises on SUDs drainage. SUDs can take up significant areas of land.
- 11.6 With the adoption of a new plan releasing large greenfield sites for development and with the move away from a reliance on small windfall developments we would expect to see average development densities come down.
- 11.7 It is our experience of several recent schemes in other districts that developments are achieving between 25 and 30 dwellings per hectare net.
- 11.8 The Council have also applied this generic density figure to all of the proposed allocations. This has the effect of reducing the amount of land that needs to be allocated. This is inappropriate.
- 11.9 Examples of good practice are where an authority applies a general policy position of reducing the developable area to take into account such factors as new schools and strategic landscaping etc. This can be as much as 60% of the site area. Then the authority would apply a density figure which usually ranges from 30 dwellings per hectare in rural areas to 40 dwellings per hectare in suburban areas and 50 dwellings per hectare in town centres and locations with good access to

transportation links. The approach adopted in the Local Plan is too simple and does not reflect the reality of the situation and gives an unrealistic indication of the capacity of the allocated sites.

11.10 The effect of the policy is to seek to drive the capacity of proposed allocation up and thereby reduce the quantum of land that needs to be allocated.

11.11 When determining the quantum of land needed to meet the OAN there is a need to be realistic about density assumptions otherwise there will be a risk that insufficient land will be made available to meet the communities need for housing. In essence a realistic approach to density assumptions needs to be adopted. Unrealistic assumption will lead to an unsound plan.

Soundness

11.12 It is considered that the policy requirement to achieve a net density of at least 35 dwellings per hectare is unjustified and the policy has not been positively prepared and as such it will not be effective as it will reduce the amount of land need to meet the OAN. This policy is therefore inconsistent with national guidance and as such the policy is unsound.

Modification

11.13 To make the policy sound we would suggest that policy should revert back to the policy in the Preferred Options draft of 30 dwellings per hectare or produce a more robust methodology.

12.0 Housing Requirement

- 12.1 We welcome the fact the Council have accepted a number of the comments we made on the Preferred Option Draft Local Plan and have modified the Local Plan accordingly.
- 12.2 The Publication Draft Local Plan highlights that Kirklees has a growing population and that it is set to increase over the plan period and in assessing how to meet the future need for housing the Council have used the most recent population and household projections. Again this is welcomed.
- 12.3 The Publication Draft Local Plan seeks to deliver 31,140 homes over the plan period from 2013 to 2031 (18 years) in order to meet the identified housing needs. This equates to an annual average of 1,730 homes or 21,324 dwellings over the plan period. We welcome the increase in the annual average housing requirement from 1,630 homes in the Preferred Option Draft Local Plan to 1,730 homes in the Publication Draft Local Plan. This equates to an increase in the overall housing requirement from 18,984 dwellings in the Preferred Option Draft Local Plan to 21,324 dwellings in the Publication Draft Local Plan.
- 12.4 However, we still have a number of general concerns. These are as follows: -
- i) We welcome the fact that the Local Plan seeks to align the housing requirement with jobs growth. This is appropriate. To do this the Council appear to have tested two jobs led scenarios. The jobs led analysis increases the basic housing requirement to between 1,730 (SENS1) and 1,999 (CORE) homes. We have not assessed either models in detail but we cannot see a robust explanation as to why the Council prefer the SENS1 model to the Core model. We however do note that both models assume that 1293 jobs will be created per annum equating to 23,274 over the plan period. This is significantly lower than the 32,200 jobs predicted to be created at the Preferred Options stage. The underlying assumption in both versions of the plan remain the same but no explanation is given for why the Council are now predicting 27% fewer jobs being created. It is possible that the Local Plan is allocating less employment land but this is not clear.
 - ii) The NPPG at paragraph 2a-019 indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Worsening trends in an indicator would suggest that an upward adjustment to the planned housing numbers is required. We have not analysed all of the market indicators in detail but we do note that overcrowding in the district is significantly worse than the national average and that the SHMA 2016 indicates that there is a net annual imbalance of 1,049 affordable dwellings in Kirklees. This represents 60% of the annual average housing requirement. The level of imbalance in affordable housing would, in particular, suggest that this need should be addressed. In this regard the NPPG states at paragraph 2a-029, that *'an increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.'* The provision of additional housing land for housing will help offset the identified net shortfall and provide additional affordable homes.

- iii) The Local Plan makes an allowance for windfall development of 450 dwellings per annum for the period 2020 to 2031. We are concerned about the reliance on such a large figure. The figure of 450 dwellings per annum is a reduction in the historic level of windfall delivery and this is welcomed but during a large part of the period assessed there was no up to date plan and there was a prohibition on the development of greenfield land in force. We agree with the Council that windfall development will continue to come forward particularly on small sites but we would expect that with a new plan in place and a robust evidence that has identified all available and suitable development opportunities that windfall development will be greatly reduced. By its very nature windfall delivery is uncertain and as a very important part of the housing land supply we feel that further work should be done on this part of the evidence base to ensure that this contribution to the requirement is robust.
- iv) Unrealistic assumptions will lead to an unsound plan. We have already commented upon the density assumption used in the plan. In this regard there is no or little real evidence to support the density figure used and there is no explanation why this figure has increased between the Preferred Options Draft and the Publication Draft versions of the Local Plan. If the Local Plan is to continue to apply this higher figure, then evidence needs to be provided.
- v) The housing technical paper also sets out assumptions on build rates and lead in times. NLP have recently published an independent research paper on build rates and lead in times entitled 'Start to Finish – How Quickly do Large Scale Housing Sites Deliver? (November 2016)'. In this research NLP assessed 70 large sites. This assessment indicates that the average lead in time for a large site prior to the submission of the first planning application is 3.9 years. The NLP report also found that the average planning approval for scheme of over 2000 dwellings is 6.1 years with the average for all large sites being circa 5 years. The same NLP report found that from the 70 sites assessed the average annual build rate was 161 dwellings. This included sites where there were multiple outlets. The NLP report would therefore suggest that the assumptions on build rates and lead in times utilised in the Local Plan are ambitious and potentially unrealistic. This is particularly the case in relation to site H2089 as Dewsbury is not a strong housing market area.
- vi) The Local Plan indicates that planning permission for 5,111 dwellings has already been granted. We welcome the fact that the Council recognise that not all planning permissions get built out; some will expire whilst others are implemented or renewed but never come forward. It is common practice to provide a discount to the number of units to be delivered from extant planning permission in order to ensure a robust approach. This discount is normally 10% although it can be higher.
- vii) However, we note that no such allowance is made for allocated sites. This is a serious flaw as the majority of the housing supply is made up of allocations. It should be stressed that there is a need to be realistic about all assumptions contained in the Local Plan and the plan needs to allow for the possibility that some of these allocations will not come forward or if they do come forward it may be at a lower density. There is a need for an allowance to be provided in relation to the proposed allocations in order to provide flexibility in general and the ability for the LPA

to respond to changing circumstances as well as ensuring that the 5-year housing land supply can be maintained at all times. It is normal practice that a 20% allowance is made to provide a buffer of sites. Without this cushion of sites there is a very risk that insufficient land will be available, particularly at the end of the plan period, to meet the need for housing in the district.

viii) We note that the housing technical paper confirms that the 5-year housing land supply requirement is 12,485 dwellings. There is no evidence within the Local Plan as to show how the Council will be able to maintain a 5-year housing land supply towards the end of the plan period.

ix) As with most local authority Kirklees Council have treated the housing requirements as a maximum figure. To significantly boost the supply of housing the housing requirements should be seen as a minimum figure and not a maximum.

Soundness

12.5 The housing chapter of the Local Plan has not been positively prepared in that it does not utilise robust information and assumptions, it is not justified and will not be effective and is not consistent national guidance and therefore the housing chapter of the Local Plan is unsound.

Modification

12.6 To make the Local Plan sound we recommend that the assumptions and projections utilised in the formulation of the housing requirement are full justified and that the housing requirement should include a greater degree of flexibility to allow for unforeseen circumstances.

13.0 Sustainability Appraisal Report

- 13.1 We note that the Sustainability Appraisal prepared by LUC indicates that the development of the Site will have a number of potential significant positive effects including employment, leisure and recreation, sustainable transport and climate change. The only negative impact relates to pollution. In relation to pollution issues the assessment indicates that there are residential properties to the south and west and a school to the north and that these may be affected by noise and light pollution during the construction phase. In this regard we cannot see how the Site is any different to any other proposed housing allocation as most housing allocations should adjoin the existing urban area. Notwithstanding our lack of understanding as to why the Site has scored poorly in relation to the pollution criterion any affects will be temporary and can be readily controlled or mitigated by a construction management plan.
- 13.2 We are also somewhat surprised that the Site score ++?/? In relation to education. The assessment suggests that most of the Site is within 6-10-minute travel time to a primary school and only the north part is within a 5-minute travel time. The Site adjoins a primary school to the north and as such this score and the travel times referred to are difficult to understand. The assessment cannot be correct in this regard. It is considered that the whole Site should have a ++ rating.
- 13.3 The Sustainability Appraisal concludes that the negative impacts will need to be considered further in terms of mitigation and/or enhancement. However, it is plain that the significant negative impact identified can be easily mitigated.
- 13.4 The only significant negative scores (a red score) are strange and somewhat inexplicable but nevertheless it is clear from the Councils own assessment that the residential allocation of the Site would comprise sustainable development and that the allocation of the Site would be a more sustainable option than release some of the land from the Green Belt.
- 13.5 We welcome the conclusion of the Sustainability Appraisal and it is clear from the Sustainability Appraisal that the development of the Site would comprise sustainable development. As sustainable development is at the heart of the planning system we cannot understand why the Site is not allocated for housing development.

Soundness

- 13.6 The Local Plan is unsound as it does not allocate a wholly deliverable parcel of land which lies within the urban area and is suitable for housing development. Development of the Site would constitute sustainable development which is at the heart of the planning system. The Local Plan therefore has not been positively prepared and the non-allocation of the Site is not justified. The non-allocation of the Site is inconsistent with national guidance.

Modification

- 13.7 To make the Local Plan sound the Site should be allocated for housing purposes.

14.0 Approach to Green Belt Releases

- 14.1 We note that the Local Plan is proposing to release a significant quantum of land which currently lies within the Green Belt for development.
- 14.2 However, as set out in the section on delivering growth and sustainable development the first priority for the identification of land for development is previously developed land and buildings within settlements and then suitable greenfield sites within settlements followed by sustainable urban extensions (we assume that this means in the Green Belt) and then detached Green Belt sites (we assume that this means isolated Green Belt sites). As the Site lies within the existing urban area and constitutes greenfield land it falls into the second category of land i.e. after the exhaustion of developable previously developed land and buildings within settlements the bringing forward of greenfield land within the urban area is the next priority. It is clear, according to the Councils own proposed policy approach, that land within the urban area, such as the Site, should be identified for development before Green Belt land.
- 14.3 Given the above, and noting the quantum of Green Belt land that is proposed to be released, we are far from convinced that the Site has been properly assessed. The Site is a parcel of land within the existing urban area which as POL Land has already been identified as being suitable for development and as such it must be allocated for residential development before Green Belt land is considered for release.

Soundness

- 14.4 The Local Plan is **unsound** in that it proposes to release significant of the Green Belt for development before the Site and as such this is contrary to the policy approach of the Local Plan as well as national guidance. The Local Plan has therefore not been positively prepared, is not justified and will not be effective.

Modification

- 14.5 To make the Local Plan sound the Site should be allocated for housing purposes.

15.0 Lack of a Housing Allocation

15.1 It is considered that the Site should be allocated for residential development. The reasons for this are as follows:

Availability

15.2 The availability of a site is assessed in terms of the ownership of the land and whether all owners are known and in support of the development.

15.3 The Site is owned by Bellway Homes, a national house builder, and it is plainly available for development.

Suitability

15.4 The NPPF sets out a presumption in favour of sustainable development and encourages local planning authorities to focus new development in locations which are or can be made sustainable. The key elements to assess in terms of the suitability of the Site are as follows:

- The relationship to the urban area;
- Access to local transport and services;
- Access to employment;
- Environmental impacts; and
- The existing local highway network.

Relationship to the urban area

15.5 The Site is located within the existing urban area and is bound to the west, south and partly to the east by existing residential development and to the north by a local school. The Site is clearly well related to the urban area.

15.6 Residential development on the Site would be a logical extension to this part of Mirfield, which would make a positive contribution to Mirfield and the district's housing requirement.

Access to local transport and services

15.7 In terms of access to services the Site is within close proximity to the district centres of Mirfield (1.2 miles) and Ravensthorpe (1.7 miles). Both Mirfield and Ravensthorpe have a range of services and facilities which can service the Site including multiple retailers such as Co-Operative, Lidl, Yorkshire Building Society and the Halifax.

15.8 There are also local services and facilities in the vicinity of the Site.

- 15.9 There are also two schools, Old Bank Primary School and Crossley Fields Primary School, along with a health centre in close proximity of the Site.
- 15.10 In terms of public transport, the nearest bus stops are located at Flash Lane/Shillbank Lane to the south-east of the Site and on Greenside Road located to the west of the Site.
- 15.11 Mirfield railway station is situated approximately 1.5 miles south-west of the Site and provides a number of local and mainline destinations, including Leeds, Huddersfield, Brighouse, Manchester Victoria and London.
- 15.12 The Site is also accessible by car, situated to the south of the Site is Huddersfield Road (A664) which provides access to the M62 as well as Leeds Road (A62) which links Leeds to Huddersfield.
- 15.13 The wide range of local services and facilities are accessible to the Site by foot, bicycle, bus and the private car. The Site therefore provides a very sustainable location for residential growth.

Access to Employment

- 15.14 In terms of future resident's access to employment, as discussed previously, the Site is in an accessible location providing easy access to a range of employment opportunities.

Environmental Constraints

- 15.15 In support of the previous application for housing on the Site a number of environmental reports were carried out.
- 15.16 The Site is located within Flood Zone 1 and is not at risk from flooding.
- 15.17 The Site investigation indicates that surface water can be directed to soakaways. In terms of foul drainage, it has been identified that the nearest foul sewer is in Hepworth Lane and this has sufficient capacity to service the Site.
- 15.18 The ground investigation report shows that the Site has always been used for agricultural purposes. There is no known potentially contaminative former uses affecting the Site.
- 15.19 An Extended Phase 1 Ecology Report concluded that there are no statutory or non-statutory sites of ecological importance within the Site and that the previously proposed residential scheme would have no impact upon the statutory and non-statutory sites within 2km of the Site. Furthermore, it was found in the Phase 1 Field survey that habitats on Site are not considered to have any significant ecological value.
- 15.20 The Site does not lie within a Conservation Area but it does lie within the setting of Balderstone Hall, a listed building. The Heritage Report which was submitted with the previous application concluded that the proposals will not cause detriment to the identified significance of the listed buildings. The proposals will have a neutral impact on the setting of the listed buildings and their character and significance will be retained.

- 15.21 In addition, the Heritage Report indicated that the proposals are located on land where infill can be considered a natural progression. The development of the land in this location will give the town a firm border, whilst not impacting the surrounding landscape and thus preserving it.
- 15.22 A tree survey was also carried out. The Site is largely open with the majority of trees being located on the boundaries of the Site. There is a hedgerow/trees dissecting the Site in east to west direct. The Tree Report notes that the trees on the Site are not protected by a Tree Preservation Order nor are they within a Conservation Area.
- 15.23 Given the evidence presented in the reports supporting the previous application it is clear that that the development of the Site will not harm any Heritage Assets, that the Site presents no adverse flood risks, it is not contaminated, that there are no protected trees and that the Site is of low ecological importance. As such it is plain that the Site is of no significant environmental value.

The Existing Highway Network

- 15.24 In support of the previous application, a transport assessment was carried out. This transport assessment proposed a number of works to the highway and concluded that the existing access from Woodward Court is suitable to serve the Site and that there would be no adverse traffic impacts to the wider highway network. The transport assessment concluded that traffic impacts associated with the development of the Site were not severe and therefore were acceptable.
- 15.25 The Council's highways department did not agree with all of the conclusions of the transport assessment and as such they did not support the previous application. However, the application was not determined as it was withdrawn by Bellway Homes to allow the concerns of highways officers to be further explored and addressed where appropriate.
- 15.26 The reason that the Site is not identified as a housing allocation is set out in the Reject Site Options Report (November 2016). The Reject Site Options Report (November 2016) indicates that the Site was only rejected as a housing allocation because the Council considered that *"third party land required to achieve visibility splays"*. Bellway Homes believe, based on the advice of professionals, that a programme of mitigation works is deliverable which would allow safe access to the Site thereby overcoming the Council's concern. Plainly if the highway issues can be addressed then there will be absolutely no reason why the Site should not be allocated for residential development.
- 15.27 Nevertheless, it is by no means unusual for sites to be allocated which require highway or other infrastructure works in order for housing to be delivered. Many allocation policies make specific reference to such works, whether it be highways mitigation, drainage infrastructure upgrades, planting buffers, school provision etc.
- 15.28 Bellway Homes are committed to delivering housing on the Site and are prepared to fund appropriate and necessary highways infrastructure works necessary to ensure safe access and egress.
- 15.29 Overall it has been demonstrated that the Site is suitable for development in that the Site is well related to the urban area, it is accessible to services, facilities and places of employment, there

would be no adverse environmental impacts and that the residential development of the Site can, in our view, be accessed and that development would not have any adverse impacts on the wider highway network and as such the residential allocation of the land would comply with the NPPF.

- 15.30 The Site is plainly sustainably located and this is confirmed by the allocation of the Site in the UDP and the Local Plan as safeguarded land and by the Sustainability Appraisal carried out as part of the Local Plan process. On this basis it is considered that the Site is suitable for residential development.

Achievability

- 15.31 The achievability is based upon an assessment of the housing market in that area, the preparation costs and the developer interest.
- 15.32 As confirmed in the “Place Shaping” section of the Local Plan the Dewsbury and Mirfield sub-area has strong market housing areas and the area in which the Site lies is one of those areas.
- 15.33 The Site is a relative flat greenfield parcel of land and the above assessment demonstrates that there are no unusual or abnormal development costs which would preclude the Site coming forward into development.
- 15.34 The Site is owned by a house builder and indeed that house builder recently submitted a planning application for the development of 135 dwellings in 2014 (ref: 2014/62/91282/E). Whilst that planning application was recommended for refusal the house builder is addressing the issues identified and intends to resubmit an application in the near future. There is substantial interest in developing the Site.
- 15.35 It is considered that the residential development is achievable in the Local Plan period.
- 15.36 It is considered that the Site is available and suitable for residential development and that development is achievable and as such it is considered that the Site should be allocated for residential development.

Recommendation

- 15.37 The Site should be allocated for housing purposes within the Local Plan.

Soundness

- 15.38 The Site is available for development, the Site is suitable for residential use and development is achievable and as such the removal of land from the Green Belt in preference to the development of the Site is **unsound**. Consequently, the Local Plan has not been positively prepared, it is not justified and it will not be effective and it is inconsistent with national guidance.

Modification

15.39 To make the Local Plan sound we recommend that the Site is allocated for residential development.

16.0 Safeguarded Land Allocation – SL2163

- 16.1 The Site is allocated as safeguarded land in the Local Plan (reference SL2163). We do not object to the allocation of the Site as such but we do feel that as it is available and suitable for development and as development is achievable it should be allocated for residential development rather than safeguarded for future development.

Soundness

- 16.2 The Site is available for development, the Site is suitable for residential use and development is achievable and as such the removal of land from the Green Belt in preference to the development of the Site is unsound. Consequently, the Local Plan has not been positively prepared, it is not justified and it will not be effective and it is inconsistent with national guidance.

Modification

- 16.3 To make the Local Plan sound we recommend that the Site is allocated for residential development.

17.0 Summary

17.1 In summary we have real concerns about the formation of the spatial development strategy and the distribution of the housing requirement and policy PLP 1, PLP 2, PLP 3, PLP 5, PLP 6 and PLP 7, the housing requirement itself and the approach to Green Belt releases. We therefore do not consider that the Local Plan is sound.

17.2 We also object to the non-allocation of the Site for the following reasons-

- The Site is allocated in the UDP as POL Land and at the time of that plan the Site was judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The principal of the development of the Site has been established.
- The allocation and development of the Site would be consistent with the Local Plan Spatial Development Strategy in that it lies within a highly sustainable settlement where growth is being directed.
- In accordance of the Spatial Development Strategy we have shown that the Site should be allocated for development in advance of the release of Green Belt land.
- A significant quantum of Green Belt land is due to be released to meet the districts development needs and to do this exceptional circumstances are required. Part of the exceptional circumstances case must be that Green Belt releases should be minimised.
- The Site lies within the urban area and would therefore minimise the amount of Green Belt land being released.
- We have shown that the Site is available and suitable for residential development and that development is achievable.
- The only reason that the Site was not allocated for development relates to highway issues and that the highways issues identified by the Council either do not constitute severe harm and access is acceptable or the matters raised by the Council can be addressed and on this basis it is considered that the Site is suitable for residential development.
- In any event land is often allocated for development with outstanding issues that need to be addressed. Indeed, this is the very approach to the allocation of land adopted in the Local Plan. An outstanding issue is not a justifiable reason to reject the allocation of land if there is a reasonable prospect that the issue can be resolved. Bellway have been working on the matter for some time and are prepared to fund appropriate and necessary highways infrastructure works necessary to ensure safe access and egress from the Site.

17.3 The Site is available now, is suitable for housing development and is achievable. We would therefore request that the Council allocate the Site for housing development within the new Local Plan.

Appendix 5

Formal pre-app response to proposed development of SL2163

Planning

Investment and Regeneration Service
PO Box B93, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR

Enquiries to: Matthew Woodward

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matthew.woodward@kirklees.gov.uk

Mr Mark Lane
DPP Planning
Second Floor
1 City Square
Leeds
LS1 2ES

Naz Parkar
Strategic Director
Economy and Infrastructure

Date: 01-06-2017

Our Ref: 2017/20095

Dear Sir,

Pre Application for erection of 60 units with associated access, drainage, landscaping and the provision of public open space and a school drop-off point

Land off, Woodward Court, Mirfield

Background

As part of the pre application advice service, we have consulted the following consultees who would be part of the decision making process should an application be received:

- Highways Development Management;
- Environmental Health;
- Flood Management and Drainage;
- Conservation and Design;
- Education;
- KC Ecology Unit;
- Strategic Housing;
- Crime Prevention;
- Landscape
- Public Rights Of Way

Policy

The following planning policies are applicable to this development:

Relevant policies are:

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
D5 – Provisional Open Land
EP4 – Noise sensitive development
EP10 – Energy Efficiency
EP11 – Ecological landscaping
G6 – Land contamination
H1 – Housing needs of the district
H10 – Affordable Housing

H12 – Arrangements for securing affordable housing
H18 – Provision of open space
NE9 – Retention of mature trees
T10 – Highway safety
T16 – Pedestrian routes
T19 – Parking standards
R13 – Rights of way

There are a number of policies in the Emerging Local Plan which now carry limited weight.

Supplementary Planning Guidance / Documents:

Interim Affordable Housing Policy (2016)

National Planning Policy Framework

History

2014/91282 – Erection of 135 residential properties with associated access, parking and landscaping and the creation of a car park to serve the school – Withdrawn.

Principle

The site lies on an area of Protected Open Land in the Kirklees Unitary Development Plan. At this stage the Council are unable to demonstrate a deliverable 5 year housing land supply. Therefore, in accordance with the NPPF, this is a relevant policy for the supply of housing which is considered out of date. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*.

In practical terms this means that there is a weighted balance in favour of housing development, largely on the basis of the Council’s housing supply shortage, unless the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits.

Policy D5 of the UDP is considered to be a policy which precludes housing development, thus constrains the supply of housing in Kirklees. Consequently, the policy cannot be considered up-to-date. Nevertheless, it continues to carry some weight in the overall planning balance but the amount of weight attached is likely to be less than the weight afforded to policies in the NPPF which promote housing.

I am aware of a recent Supreme Court Judgment (Hopkins Homes v Suffolk Coastal District Council and Richborough Estates v Cheshire East Borough Council (Case no. C1/2015/0583 and C1/2015/0894) which provides further clarity on the application of paragraph 49 of the NPPF. Whilst I have not formed an opinion as to how this may affect any subsequent application on this site, my first reading of the Judgment suggests that it is unlikely to significantly alter the way in which the application is assessed in the context of paragraph 14, 49 of the NPPF and relevant (or not) policies for the supply of housing contained in the UDP. However, I recommend you consider this case as part of any subsequent planning application.

Consequently, based on the above and without prejudice, development on this protected open land is potentially acceptable in principle.

The Kirklees Local Plan was submitted for Examination in April 2017 and is a material consideration. In accordance with paragraph 216 of the NPPF, weight can be given to the draft Plan, but the degree to which it weight can be attributed is determined by the stage the Plan has reached and the extent to which there are unresolved objections to it.

In the draft Local Plan the site is allocated as Safeguarded Land (Land to be safeguarded for potential future development). PLP6 of the Draft Local Plan details the policy. At this stage it is likely that only limited weight could be applied to this allocation but it is conceivable that the weight attached may increase as and if the Local Plan, in its current form, progresses through Examination and towards adoption.

I understand the land is likely to constitute Grade 3b agricultural land, in which case it will not fall under the Best and Most Versatile Agricultural Land definition in the NPPF. However, this should be clarified as part of any application submission.

Design

Broadly speaking the layout as proposed is considered to represent an appropriate response to the site. However, there are some issues for you to consider:

- **Connections:** the access is the only one that can be considered and as such is appropriate. The connection to the existing public footpath network provides opportunities to get to other areas especially what could be an attractive walk to the school.
- **Facilities:** the connections are considered appropriate and do promote walking and short travel distances, to nearby facilities which are proportionate to the development site.
- **Public Transport:** the development is close to public transport provision that provides access to outer areas. However, full details on public transport linkages should be clarified in any subsequent planning application.
- **Character:** there is nothing significant in terms of character in the area, the surrounding houses do not promote the need to deliver character areas within the site due to the scale of development. However, character can be provided by a mix of house type and elevational treatment. Support the fact that existing hedgerows and trees are to be retained which will ensure that the design will be tied to the landscape character of the area.
- **Creating well designed streets and spaces:** further details are required, for example elevations and boundary treatments for this to be fully acceptable. Houses should 'turn corners' and boundary treatment to road side need to be of high quality. The front of any property (fencing/garden/boundary treatment) is particularly important and helps to strongly define the character of a street. I am happy to discuss this in more detail when further detail has been developed.
- **Easy to find your way around:** this is achievable and can be evidenced by the elevation treatment of buildings on corners. Equally a detailed landscaping plan showing tree planting and boundary treatment onto the main road will help legibility.
- **Streets for all:** the side streets do offer the opportunity to reduce the vehicle speed by the use of parking bays and pinch points. The main access road does have a slight curve but a greater sense of enclosure through the use of planting will aid an equal reduction in speed.

- Public and private spaces: front gardens need to be delineated when semi-detached. Elevational treatments will indicate where there are opportunities for surveillance but there is little opportunity to look up and down a street from front elevations. In terms of the public spaces, these are well connected to the development even though they are to the rear and sides of the development.
- Pedestrian connections – Each dwelling should have a footpath which leads directly from the footway to the front door. Preferably, this should be separate from the driveway. However, if pedestrian access is proposed along the driveway, there should be a footway along the side of the driveway which is wide enough for pedestrians/wheelchairs/prams which provides a direct and unobstructed access to the footway.

Given the space within the site, I recommend increasing the distance between the proposed development and the dwellings on Hepworth Close in order to exceed the standard 21m distance normally recommended between facing habitable room windows.

Clarity is required on a number of other matters. I will forward comments from the Landscape/Open Space department in due course. However, I would be grateful if you would confirm the future use of the northern portion of land within the site. If this land is to be used as public open space, it will need to be properly incorporated into the layout. If the area of land is to be handed to the school, more detail will be required as to what this land would be used for and how it would be secured.

Similarly, confirmation is needed as to whether the pick up/drop-off area would be provided and how it would operate in practice. If it is to remain, further consideration will need to be given to ensuring that it is properly incorporated into the layout. Particular attention should be given to appropriate landscaping.

Heritage

Balderstone Hall is a Grade II listed building(s) which fall within the wider Protected Open Land allocation within which this site is situated. Paragraph 131 sets out the context by which applications for planning permission should be assessed taking into account the impact on heritage assets.

Any subsequent planning application should be accompanied by a Heritage Statement so that the setting of the heritage asset (and any other assets within the site vicinity) can be fully understood; and how the application has been designed to respond to heritage assets.

Any impact on the setting of Balderstone Hall would require an assessment against policies in the NPPF which may be considered restrictive (see footnote '9', page 4 of the NPPF).

Highways

One of the key considerations is likely to be the impact on the highway network and on highway safety. The Transport Assessment scope has been discussed and agreed with the Transport Consultant on 28.03.2017.

Following an initial meeting with the Council, additional highway detail was submitted to the Council and this was entitled "Proposed Traffic Calming Measures and Benefits Delivered to Woodward Court and Wellhouse Lane".

In respect of this document and the highway safety proposals contained within, the Council's highways section have made the following general comments:

- 1. Highways Safety are generally not in favour of introducing traffic calming features as a mitigation against poor junction visibility. However, HS accept it is a means to facilitate development at difficult sites subject to the applicants highways consultant demonstrating the benefits gained are sufficient.*
- 2. HS question the reasoning behind the plateaux elsewhere on Wellhouse Lane. There are no logged complaints about speeding in recent years, and there is no accident issue. HS consider features would be ineffective at busy times, as the large volume of moving and parked vehicles is an effective calming feature than a plateau. It is difficult to predict what residents' views would be on the suggestion.*
- 3. It is not common practice to provide plateaux to assist pedestrians crossing the road – HS would usually rely on School Keep Clear markings and dropped kerbs at sites of this nature.*

In respect of the wider highways considerations, the following points are pertinent to any future application:

In line with the councils parking policy the following parking provision should be provided:

2 - 3 bedroom dwelling: 2 spaces

4+ bedroom dwelling: 3 spaces

1 visitor space per 4 residential units

1 cycle space per residential unit (desirable)

Garage dimensions (Internal):

Single: 6.0m long x 3.0m wide

Double: 6.0m long x 5.0m wide

1 electric vehicle charging connection point per dwelling (normally within a garage).

The internal layout should be designed to maintain vehicle speeds of 15 -20 mph, this ideally should be achieved through horizontal alignment.

The two turning heads at the north east end of the site should be linked together to form a circular route, this will remove isolation for residents and ensure refuse collection is carried out more efficiently. A plan with vehicle swept paths for refuse collection vehicles 11.85m in length, and two way

There is currently no mention of how the site will facilitate drainage, more information is required to enable an informed assessment on this matter.

There is currently no provision for refuse storage within the property boundaries or refuse collection points. Before development commences details of storage and access for collection of wastes from the premises will need to be provided.

The proposed footpaths on the open space area could potentially make the existing Public Right Of Way (PROW) redundant and a maintenance issue, consideration should be given to stop up the existing or utilise the PROW.

Kirklees Council no longer adopt footpaths in new developments, as a result further information is required on the maintenance/liability procedures to be undertaken.

The proposed drop off car parking area has a PROW linking into it, further information regarding this will be required in terms of any resurfacing or street lighting proposals.

Plans detailing the proposed internal adoptable estate roads shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work.

These comments should be read in conjunction with the e-mail sent to you dated 12th April 2017 (attached for completeness).

Ecology

Comments attached. Given the scale of the proposed green space area and the immediate surroundings, there are numerous opportunities for ecological enhancement.

Drainage

This site is located in main river flood zone 1 – Low Risk Flood Risk Assessment. The site is however greater than 1 hectare and therefore a formal Flood Risk Assessment will be required. This should concentrate on surface water flood risk and mitigation and include consultation with the Lead Local Flood Authority. A key aspect should be flood routing pre and post design with justifications over layouts. Routing should utilise road network and public open space and avoid curtilage. Submissions on drainage strategies should be in accordance with West Yorkshire Combined, Authority Guide to SUDS.

Third generation surface water flood risk maps only show a flow through site for the 1 in 1000 year event which is north west to south east and potential ponding near the site entrance. The 1 in 100 year event does not reveal any risk.

Local report of flooding on Kirklees records include Flash Lane in 2012 attributed to blocked gullies. Several reports at the bottom of St. Mary's Avenue associated with failing drainage infrastructure. An isolated incident occurred in Shill Bank Lane 2010. None of these incidents we believe lead to influence or be influenced by the site development.

Surface Water Drainage Strategy

The application should follow the surface water hierarchy of disposal in line with West Yorkshire Combined Authority guide to SUDS. Neither Yorkshire Water nor Kirklees Council currently adopt SUDS features from properties. This will remain private or be managed by a private management company should the developer chose to pursue such options. The Highways department will consider soakaways providing adequate space is made for ease of maintenance and protection of the road construction and clear safe flood routing in the design. Early dialogue with our section 38 team is advised.

BGS data suggests that infiltration techniques could work on this site. Although no soakaway design guide is available at this moment in time, various guides are available. We would expect a detailed examination for this site on re-emergence given neighbouring properties are at lower levels. We would expect soakaways to be constructed within a reasonable depth of competent strata (various guides state 1-3 metres). Coal workings and potential grouting need to be taken into account. Due to the size of the site, seasonal testing will be required. BRE Digest 365 should be followed for testing procedures but the design should be in line with all other NPPF drainage guidance on the 1 in 30 and 1 in 100+ climate change events. We will be advising the planning officers to involve Leeds Council Geotechnical as an advisory due to the scale of the site.

Should infiltration technique prove problematic alternative outfalls should be sought.

There are no known watercourses in the immediate vicinity of the site. Public surface water sewers are located in Hepworth Lane and Shillbank Lane. They appear to show downstream connections to combined sewers that are also available. We advise planning officers that should sewers be considered that capacity issues as declared to Ofwat under DG5 regulations should be examined.

Flood Routing

It is expected that the design should account for flood routing from exceedance event for any attenuation tanks, shared soakaways in public open space, highway soakaways. An examination of blockage scenarios is expected which basically includes short duration intense events where water may not readily enter gullies. The layout should avoid property in basins or low spots inviting routes through curtilage. A view will be taken on short cul-de-sacs in this respect as not being reasonably practicable to achieve, however the road network and public open space should be used as conduits/storage.

Temporary Drainage

A scheme to protect surround properties from run off in the construction phase will be expected. This scheme should also protect local drainage networks from mud, silt and pollution associated with site materials.

Maintenance and Management

The LPA is obligated to ensure that SUDS are maintained and managed for the lifetime of the development. This could therefore involve management companies for the period up to adoption or for the life of the development. In order to enforce against this obligation, a section 106 agreement/undertaking maybe required.

Comments on the submitted drainage scheme

The fact there is a spine road north to south aids routing. As long as the roads off it fall away to either side and don't dip in the middle, there should be no problems.

I'm a little concerned with what looks like a huge basin at the bottom. Soakaways should be separate for highways and spread out.

There will be some shared soakaways (given it won't work in some areas) but again spread it out as much as possible and these need a management company to run them. Individual soakaways will be for home owner to look after. If you can tie everything into a management co. then fine.

The drainage officer would not be happy running everything to bottom of the site and having a huge wet area right on the boundary with other properties which are at lower levels. He would much prefer this as a belt and braces safety are, i.e. a back up if flows came off the built up area.

Education

In response to the above application the calculation shows that an education contribution of £293,367 is required.

Affordable Housing

Planning

Investment and Regeneration Service

PO Box B93, Civic Centre 3,

Off Market Street, Huddersfield, HD1 2JR

The application would require a scheme of 12 affordable units. Full comments from the Council's Strategic Housing are attached.

Other Environmental Impacts

Comments from Environmental Health are attached. A development on this scale would trigger the requirement for a Travel Plan and electric charging points (1 per unit), in accordance with the West Yorkshire Low Emission Strategy Planning Guidance.

Consultation

As you know, there was a previous planning application on this site (2014/91282). If you require a summarised copy of comments/representations relating to this application then please let me know. As I am sure you will appreciate, there were significant local concerns relating to the previous application and it is important you demonstrate in any submission how you consider the previous objections have been addressed by any subsequent application.

Any planning application should be accompanied by a Statement of Community Involvement which describes how the scheme has considered comments received from the community. A Design and Access Statement should be prepared which identifies how each element of the scheme has been designed, and how each component parts of the proposed development fit together.

Conclusion

The proposed development is considered to be acceptable in principle and, subject to the issues above being addressed, it is likely to be viewed as a sustainable form of development. However, the advice contained within this letter whilst given in good faith, is provided without prejudice to an assessment of any future planning application would be assessed on its own planning merits.

A copy of the Council validation requirements are attached to this letter.

Yours faithfully



David Wordsworth
Major Applications Team Leader