

Planning

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

Enquiries to: Matthew Woodward

Tel: 01484 221000

Email:

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properties with associated access, parking and landscaping and the creation of a car park to serve the school – Withdrawn.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 Therefore, in accordance with the NPPF, this is a relevant policy for the supply of housing which is considered out of date.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