

Public Document Pack



**Assistant Director, Governance and
Monitoring**

Julie Muscroft

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Wednesday 31 August 2016

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 8 September 2016**.

(A coach will depart the Town Hall, at 10.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

D Bellamy
L Holmes
B McGuin
N Patrick
K Sims

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

G Asif
F Fadia
E Firth
C Scott
S Ullah
M Sokhal

Liberal Democrat

R Eastwood
J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of Previous Meeting

1 - 12

To approve the Minutes of the meetings of the Committee held on 11 August 2016.

3: Interests and Lobbying

13 - 14

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Site Visit - Application 2016/90894

Erection of 5 no. units at Rawfolds Way, Cleckheaton

Estimated time of arrival at site: 10.25am

Wards

Affected: Cleckheaton

7: Site Visit - Application 2016/91158

Erection of 87 dwellings and demolition of existing Working Men's Club at Flockton Green Working Men's Club, Barnsley Road, Flockton

Estimated time of arrival at site: 11.00am

Wards

Affected: Kirkburton

8: Site Visit - Application 2016/91464

Erection of club with flat above at Flockton Green Working Men's Club

Estimated time of arrival at site: 11.00am

Wards

Affected: Kirkburton

9: Site Visit - Application 2016/90138

Outline application for erection of residential development at land at Lancaster Lane, Brockholes, Holmfirth

Estimated time of arrival at site: 11.30am

Wards

Affected: Holme Valley North

10: Planning Applications

15 - 128

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 5th September 2016. To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone 01484 221000 (extension 74993).

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 11th August 2016

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Paul Kane
Councillor Donna Bellamy
Councillor Linda Wilkinson
Councillor Mohan Sokhal

1 Membership of the Committee

Councillor Donna Bellamy substituted for Councillor Donald Firth
Councillor Mohan Sokhal substituted for Councillor Carole Pattison
Councillor Linda Wilkinson substituted for Councillor Andrew Pinnock

2 Interests and Lobbying

Councillor Bellamy declared an 'other' interest in application 2015/93850 on the ground that she was a member of Holme Valley Parish Council.

3 Admission of the Public

All items on the Agenda were considered in public session.

4 Deputations/Petitions

No deputations or petitions received.

5 Site Visit - Application 2015/93850

Site visit undertaken.

6 Site Visit - Application 2016/91780

Site visit undertaken.

7 Site Visit - Application 2016/90933

Site visit undertaken.

8 Site Visit - Application 2016/91026

Site visit undertaken.

9 Planning Applications

The Committee considered the schedule of Planning Applications. Under the provisions of Council Procedure Rule 37, the Committee heard representations from members of the public in respect of the following applications:

- (a) Application 2015/93850 – demolition of intensive poultry farm buildings and re-development of site with six detached dwellings with associated landscaping including new paddocks at New Dunsley Poultry Farm, Brow Lane, Holmfirth – Alistair Flatman (agent).

RESOLVED – That the applications under the Planning Acts including the list submitted for consideration by the Sub Committee be determined as now indicated and that the schedule of decisions be circulation to members.

KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
STRATEGIC PLANNING COMMITTEE
11 AUGUST 2016

APPLICATION NO.

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/93850

D Sykes, demolition of intensive poultry farm buildings and redevelopment of site with 6 detached dwellings with associated landscaping including new paddocks, New Dunsley Poultry Farm, Brow Lane, Holmfirth

CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. SECURE THE INCLUSION OF ADDITIONAL CONDITIONS THAT WILL REMOVE PERMITTED DEVELOPMENT RIGHTS FOR EXTENSIONS AND DEVELOPMENTS WITHIN THE Paddock AREAS AND CONTROL THE PHASING OF LANDSCAPING TO REPLACE THE LOSS OF TREES ALONG BROW LANE.
2. THE SIGNING OF A SECTION 106 AGREEMENT SECURING THE PROVISION OF CONTRIBUTION FOR AFFORDABLE HOUSING
3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT IN THE COMMITTEE REPORT AND THE UPDATE LIST; AND
4. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THE RECOMMENDATION, TO ISSUE THE DECISION NOTICE.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Armer, Bellamy, S Hall, Sokhal and Wilkinson (5 Votes)

AGAINST: Councillor Kane (1 Vote)

2016/91780

Mark Grindrod, Outline application for one detached dwelling with attached garage, 2 Green Gardens, Golcar, Huddersfield

CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. AWAIT THE END OF THE PUBLIC REPRESENTATION PERIOD, TO ASSES ANY FURTHER REPRESENTATIONS, AND
2. SUBJECT TO THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Armer, Bellamy, S Hall, Kane, Sokhal and Wilkinson (6 votes)

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
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AGAINST: (No Votes)

2016/90933

Andrew Taylor, Specialist Glass Products Ltd, Demolition of existing buildings and erection of manufacturing unit with associated access, parking and turning, Colne Vale Road, Milnsbridge, Huddersfield

CONDITIONAL FULL PLANNING PERMISSION

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.
3. No development shall commence until details of the proposed foundations and excavations have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the building's construction.
4. No development commence on the building's superstructure until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
5. The planning permission hereby approved shall be carried out in accordance with the following measures:
 - Finished floor levels of buildings at the site shall not be below 94.9 AOD
 - Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting Flood Risk Assessment (Ref: 2015-170-02).
 - The minimum easement of 3.6m (as detailed in the letter dated 17-05-2016 ref: DM/170516/2015-170) is maintained to provide access to the watercourse at all times.
6. No development shall commence until public water supply pipes that enter the site have been diverted in accordance with a scheme submitted to and approved by the Local Planning Authority.
7. No development shall commence until a scheme detailing foul, and surface water drainage, (including existing drainage assessment, discharge rates agreed with the Lead Local Flood Authority, off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until the approved drainage scheme

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90933 cont

has been provided on the site to serve the development and the approved scheme shall be retained thereafter.

No development shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

12. Within one month of the date of the permission hereby approved, a scheme shall be submitted and approved in writing by the local planning authority which provides full soft and hard landscaping proposals for the site which shall include the following:

- The planting of native tree species only
 - Details of planting species and their densities
 - Details of the proposed maintenance arrangements
- The approved scheme shall be fully implemented within the first available planting season. Within a period of 5 years of implementation, any planting which forms part of the approved

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90933 cont.

landscaping scheme which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species.

13. The development hereby approved shall not be brought into use until a scheme indicating the measures to be taken for the control of any glare or stray light from the operation of artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall provide:

(i) The proposed design level of maintained average luminance
(ii) The predicted vertical luminance that will be caused by the lighting when measured at the windows of the nearest residential properties in the vicinity
(iii) The proposals to eliminate glare from the use of the lighting installation

(iv) The proposed hours of operation of the lighting. The lighting scheme shall be designed to prevent light spillage into areas of semi-natural vegetation and ecological corridors where light levels from any new lighting shall be below a level 0.3 lux in those areas. The approved scheme shall be implemented in full prior to the site being occupied and thereafter retained for the duration of the development.

14. No activities shall be carried out on the premises outside the hours of 0600 and 2200 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank/Public Holidays.

15. There shall be no deliveries to or dispatches from the premises outside the hours of 0600 and 1800 Monday to Friday and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or Bank/Public Holidays.

16. All roller shutter doors and other openings in all elevations shall be kept closed except when required for access/egress and loading/unloading.

17. There shall be no siting of external plant/flues or louvres or other extract points in the main building structure.

18. Notwithstanding the details provided in support of this application, the development shall include a minimum of 7 plug in charging points for electric vehicles. All works involved in providing the charging points shall be completed prior to occupation of the development.

19. Prior to any part of the development being brought into use arrangements for a scheme for the provision and maintenance of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of 'bus/train information
- car sharing facilities

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/90933 cont.

- the introduction of working practices to reduce travel demand
- the provision of onsite cycle facilities and information
- details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter be fully implemented and retained throughout the lifetime of the development.

20. Prior to the development commencing, visibility slays of 2.4 x 43m from the proposed vehicular accesses onto Colne Vale Road shall be cleared of all obstructions level with the adjacent footway and these sightlines shall be retained thereafter.

21. The development shall not be brought into use until the proposed car parking areas hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the local Planning Authority.

22. The development shall not be brought into use until details of storage and access for the collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained thereafter.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Armer, Bellamy, S Hall, Sokhal and Wilkinson (5 votes).

AGAINST: (No Votes)

ABSTAINED: Councillor Kane.

2016/91026

Bradco, Erection of 168 student studios with communal areas, Land off Manchester Road, Huddersfield

CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE PROVISION OF A CONTRIBUTION TO PUBLIC REALM WORKS AND A TRAVEL PLAN MONITORING FEE

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/91122

2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE IN THE COMMITTEE REPORT; AND
3. THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, ISSUE THE DECISION NOTICE.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Armer, Bellamy, S Hall, Kane, Sokhal and Wilkinson (6 votes)

AGAINST: (No Votes)

Trade Furniture Company Ltd, Erection of warehouse and office extension, Unit 18, Norquest Industrial Estate, Pennine View, Birstall, Batley

CONDITIONAL FULL PLANNING PERMISSION

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.
3. The use of the development hereby permitted shall not commence until the car park shown on the permitted plans has been provided, surfaced, sealed, marked out. The car park shall thereafter be kept free of all obstructions and retained for that purpose for the occupiers of and visitors to the development.
4. A Phase II investigation shall be carried out in accordance with The Development of Contaminated Sites document September 2002. The report, including a Remediation Scheme (if necessary), shall be submitted to and approved in writing by the local planning authority before the commencement of the development of the site. The approved scheme shall be fully implemented and completed prior to occupation of the site.
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/91122 cont

accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

8. Before the development hereby approved is brought into use, one electric vehicle charging point for the new parking spaces shall be provided, and retained thereafter.

9. No Development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which provides for the following with regard to the potential coal mining legacy affecting the site:

- The submission of a scheme of intrusive site investigations;
- The undertaking of the approved scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works;
- The Implementation of the approved remedial works.

10. Before the development hereby approved is brought into use a scheme shall be submitted to and approved in writing by the local planning authority which provides details of the number, location, type and method of fixing of bird and bat boxes within the site. The approved scheme shall be fully implemented prior to the occupation of the development.

Note: All contamination reports shall be prepared in accordance with CLR11, National Planning Practice Guidance and the Council's Advice for Development documents or any subsequent revisions of those documents.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
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2016/91122 cont.	FOR: Councillors Armer, Bellamy, S Hall, Kane, Sokhal and Wilkinson (6 votes) AGAINST: (No Votes)
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KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

KIRKLEES COUNCIL

PLANNING SERVICE

**LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

08-Sep-2016

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

**There is a file for each planning application containing
application forms, plans and background papers.**

Simon Taylor - 01484 221000

**NOTE: For clarification the page numbering referred to
shall be those set out in the contents page**

In respect of the consideration of all the planning applications on this Agenda the following information applies;

PLANNING POLICY

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9th November 2015 and 1st February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

National Policy/Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations,

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests.

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The National Planning Policy Framework and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

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Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 5 no. units	
Location: Rawfolds Way, Cleckheaton, BD19 5LT	
Ward: Cleckheaton Ward	
Applicant: Juan Torres, Barnes Homes	
Agent:	
Target Date: 20-Jun-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2016/91158.....	23
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 87 dwellings and demolition of existing working mens club	
Location: Flockton Green Working Mens Club, Barnsley Road, Flockton, Huddersfield, WF4 4AA	
Ward: Kirkburton Ward	
Applicant: Barratt and David Wilson Homes	
Agent:	
Target Date: 21-Jul-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2016/91464.....	53
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of club with flat above	
Location: Flockton Green Working Mens Club, Barnsley Road, Flockton, Huddersfield, WF4 4AA	
Ward: Kirkburton Ward	
Applicant: Mark Jones, Barratt and David Wilson Homes	
Agent:	
Target Date: 04-Jul-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2016/90138.....	66
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of residential development	
Location: Land at, Lancaster Lane, Brockholes, Holmfirth	
Ward: Holme Valley North Ward	
Applicant: M Hall, Millpark Construction Ltd	
Agent: ARushby, Assent Planning Consultancy Ltd	
Target Date: 18-Aug-2016	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS	

Application No: 2014/9183187
Type of application: 60m - OUTLINE APPLICATION
Proposal: Outline application for erection of 60 dwellings, formation of
access public space and associated infrastructure
Location: Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH
Ward: Dalton Ward
Applicant: P Cryan, Hartley Quality Homes
Agent: Laura Mepham, John R Paley Associates
Target Date: 15-Sep-2014
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS

Application No: 2016/90894

Type of application: 62m - FULL APPLICATION

Proposal: Erection of 5 no. units

Location: Rawfolds Way, Cleckheaton, BD19 5LT

Grid Ref: 419628.0 424704.0

Ward: Cleckheaton Ward

Applicant: Juan Torres, Barnes Homes

Agent:

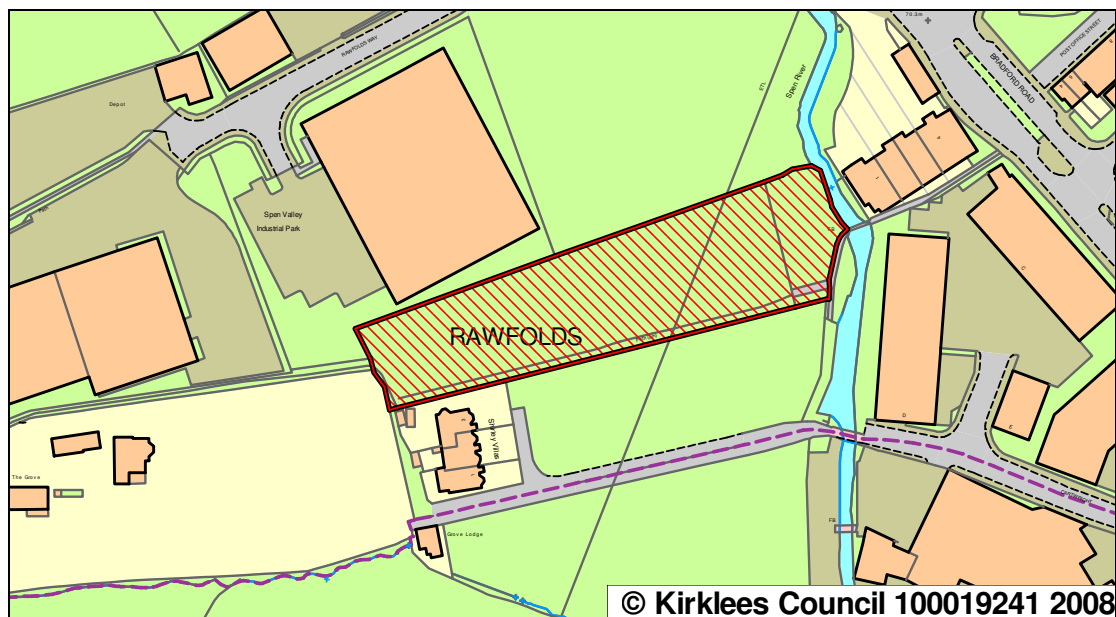
Target Date: 20-Jun-2016

Recommendation: FC - CONDITIONAL FULL PERMISSION

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Scale of Development	0.6 Ha	
No. Jobs Created or Retained	Speculative scheme (2,511sq m of space)	
Policy		
UDP allocation	B14.7 (business, general industry and storage and distribution)	
Independent Viability Required	N/a	
Representation/Consultation		
Individual Support (No.)		
Individual objections	4	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	Environment Agency; Coal Authority	No objections recommend conditions
Contributions		
• Affordable Housing	N/a	
• Education	N/a	
• Public Open Space	N/a	
• Other	N/a	
Other Issues		
Any Council Interest?	Council is landowner	
Planning Pre-application advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	The proposal is considered to deliver employment opportunities on a site allocated for employment use, within a sustainable location.	

RECOMMENDATION: GRANT CONDITIONAL FULL PERMISSION

2. INFORMATION

The application is brought forward to Strategic Planning Committee in accordance with the Councils agreed scheme of delegation as the development proposed is non-residential and the site area exceeds 0.5ha.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site comprises an area of just under 0.6ha located off Rawfolds Way near to the junction with Bradford Road. The site is part of a larger area of land (totalling 1.6ha) that is allocated for business and industry (classes B1, B2, B8) on the Councils UDP. (Allocation B14.7).

The site is a long rectangular shape located between an existing industrial building and a field to the south and in the SW corner a terrace of three dwellings known as Shirley Villas. These dwellings are sites at right angle to the site, with no 3 being the closest.

A public footpath runs along the southern boundary of the site, and in between the site and Shirley Villas this is bounded on the southern side by a low dilapidated stone wall and fencing. To the side of Shirley Villas a 6 foot high stone wall, and then an even higher red brick wall.

The site is largely overgrown, there are a number of trees adjacent the boundary river bank, which form part of the larger stand of trees next to the river, within the site, and also a number of trees scattered across the western part of the site in amongst the overgrown area, between Shirley and an existing factory building.

The site falls within flood zones 2 and 3a.

Proposal

Full permission is sought for the erection of 5 no Class B1 industrial units on the southern part of allocation B14.7. The total new floor area created would be 2,511sq m. To the north of this site there is an extant full planning permission for 13 no business units with access taken off Rawfolds Lane. The approved access is to be extended to serve the 5 no new industrial units. The buildings will be single storey with shallow pitched roofs, faced with metal cladding on a brick plinth.

A total of 40 no parking spaces, 40 cycle space and lorry parking/ turning is also indicated.

As part of the proposal the existing, unmade public footpath is to be widened and surfaced, with an improved alignment in the SW corner.

4. BACKGROUND AND HISTORY

2003/92774 – Outline application for Nursery School: Refused.

2015/92093 – Erection of 13 no business units: Approved.

5. PLANNING POLICY

Kirklees Unitary Development Plan

B14.7 – Business & Industry allocation (Classes B1,B2 and B8)

B1 Employment needs of the district

BE1 – Design principles

BE2 – Quality of design

BE23 – Crime prevention

T10 – Highway safety

T19 – Parking standards
G6 – Land contamination

National Planning Policy Framework

Part 4 Promoting sustainable transport
Part 7 Requiring good design
Part 8 Promoting a healthy community
Part 10 Meeting the challenge of climate change, flooding and coastal change

6. CONSULTATIONS

KC Highways – No objection in principle; require detailed amendments to the internal layout and to the treatment of the public footpath on the southern boundary.

KC Environmental Health – Recommend conditions regarding decontamination and noise attenuation.

KC Trees – No objection; the trees to be removed are not worthy of preservation. Some new planting along the southern boundary would be desirable.

KC Strategic Drainage – The site is within food zones 1,2 and 3. Therefore a Flood Risk Assessment is needed, and will need to be agreed with the Environment Agency.

- Express concerns , that the Sequential Test has not been properly undertaken.
- This site is at risk from surface water flooding with potential for deep ponding in an extreme event. Surface water flow routes should be identified and incorporated within any scheme.
- A connection to the watercourse using greenfield restrictions(5ls) should be considered.
- A temporary drainage scheme should be agreed, to prevent problems during construction following the stripping of the site, and an oil interceptor would be required.

NOTE: a Sequential test and Exceptions Test has been received and carried out in a satisfactory manner. An improved Flood Risk Assessment has been submitted addressing the Environment Agency concerns regarding flooding mitigation and surface water routing. On site mitigation based upon retaining a 5ls (greenfield run off rate has been accepted, and will be conditioned.).

The Coal Authority – The site is in an area which has a considerable coal mining history including adits and shafts on the neighbouring land. Additional survey work requested. This work has been undertaken and the Coal Authority has been re-consulted, and have responded stating that they withdraw any objection to the proposal , subject to the imposition of a standard condition

The Environment Agency – The application satisfies the sequential test but given its location in flood zone 3(a) additional information has been requested regarding mitigation. An updated Flood Risk Assessment has been provided, and the Environment Agency re-consulted. They have withdrawn their objection subject to the imposition of appropriate conditions.

Yorkshire Water Authority – Express concern that one of the sewers that cross the site is covered by new building. If this is resolved recommend conditions. (NB the sewer has been located on site and is not obstructed by any new buildings).

Police Architectural Liaison Officer – No objections to the principle of developing this site. Recommend crime prevention measures be the subject of a condition.

7. REPRESENTATIONS

The application has been publicised by site notices and neighbour letters. There have been 4 letters of objection received the main points of concern being:

1. The previous application maintained the existing line of the industrial estate this phase encroaches into the green area and brings the industry closer to dwellings and the greenbelt.

Response. It is correct that the approved phase 1 application extended to the same rear line of the existing Spen Valley Industrial Park, though the actual storage areas for some of those buildings do extend beyond that, and abut the public footpath. The Phase 1 approval allowed for the access from within the site to the balance of the site, which is allocated for employment use.

2. The access proposed is very close to the junction with Bradford Road and poses a significant threat for pedestrians. Allowing the extra units as well as the 13 already allowed will cause additional parking/ circulation problems within the existing industrial estate on Rawfolds Way

Response: The access to the site is taken from that already agreed as part of Phase 1. The approved access was designed to serve the entire site, and the access point onto Rawfolds Way provides safe and adequate access for vehicles and pedestrians. Adequate turning, parking and servicing for the entire site is provided within the scheme.

3. This site is within a Flood Zone and there have been problems with flooding in this area which would be worsened by this development.

Response: The proposal is accompanied by a Flood Risk Assessment, which has been updated and improved at the request of the Environment Agency. Appropriate mitigation to protect future buildings and retain existing greenfield run off rates are recommended and secured by condition.

4. There would be a loss of open land which is regularly used for recreation purposes by the public.

Response. This is part of a larger area that is private land and allocated for industry. There are a number of desire lines across the site, in amongst the thick vegetation indicating informal use, however this site is not public open land, and there is no access out of this site to the neighbouring public footpath. This scheme will improve the public right of way to the south, which is currently unmade and not easy to use.

5. There would be an adverse effect on wildlife, the site and surrounding area having foxes, rabbits, voles, crested newts, badgers, otters, woodpeckers and kingfishers.

Response; This site was assessed for habitat as part of the Phase 1 application which has been approved (App No 2015/9 2093), and no protected habitat identified. Also the trees across the entire site were inspected and not considered appropriate for a Tree Preservation Order. No work is proposed to the river embankment or river wall, nor are there any water courses or ponds on the site.

6. The new industrial units would pose a noise nuisance for nearby residents.

Response: The new industrial units are to be restricted to the Use Class B1(b,c) ie uses which are compatible to residential areas. The allocation allows for uses B1, B2 and B8.

8. ASSESSMENT

General Principle/Policy:

The National Planning Policy Framework part 1 "Building a strong competitive economy" is committed to securing economic growth in order to create jobs and prosperity and indicates that the planning system should encourage and support sustainable transport and not act as an impediment to economic growth.

Policy B1 of the UDP indicates that the employment needs of the district should be met by "providing land to accommodate the requirements of the existing Kirklees businesses and the establishment of new businesses". The site is allocated for business and industry on the UDP (allocation B.14.7). The application site forms the final part of the above allocation with planning permission (2015/920930) having been secured for the remainder of the site.

The site is considered to be in a sustainable location with good access to public transport and the town centre. The proposal will secure the redevelopment of a brownfield site and will bring forward the balance of a business and industry allocation for development.

As such it is considered that the proposal accords with the guidance contained in the NPPF part 1 "Building a strong, competitive economy" and the Councils UDP policies B1 and B.14.7, delivering sustainable economic growth and new employment opportunities.

Highway Issues:

There is no objection in principle to the development proposed. The site is considered to be in a sustainable location, the surrounding road network is considered capable of accommodating additional traffic associated with the development and the previous planning permission granted for the 13 industrial units. Although there will be an increase in traffic from the application scheme this is not considered to be harmful to highway safety or likely to impact upon the usability of the site access or the surrounding streets.

The turning head adjacent to unit 18 requires a plan showing the tracking of heavy goods vehicles. This has been requested from the applicant and an update will be brought to Committee.

The public footpath to the southern boundary is within the application site. Its width and surfacing are to be improved together with improvements to the alignment at the SW corner of the site nearest to the dwellings in Shirley Villas. This will be secured by condition.

Impact on Residential Amenity:

The site is currently overgrown, and on the periphery of an existing industrial estate, (there is an extant permission on the land immediately to the north, also overgrown) for 13 business units, and this site is essentially phase 2 of that project 2 blocks of building are propose totalling 5 units, these will be between 6-7.5m in height, which is comparable to the existing neighbouring buildings, on the estate, and already agreed on phase 1. The proposed materials are metal cladding, on brick plinth, with shallow pitched roofs, and comparable to the neighbouring industrial uses. The new blocks will extend the existing estate further to the south, which is bounded by an existing public footpath, next to a field. Also the larger of the 2 blocks extends the built area closer to the terrace of 3 dwellings ie Shirley Villas.

Visually the new buildings will be similar to those they are next to both in terms of scale and appearance. The buildings will be constructed out of brick and Metal clad PVC coated walling and composite roofing panels. This is considered appropriate for business park. As such it is not considered that the new buildings result in an adverse effect on visual amenity in the area.

There have been amended plans received which improve the public footpath, adjacent to the southern boundary of the site, including an improved realignment on the SE corner of the site adjacent to the Shirley Villas. This realignment removes an existing dog leg, providing a more direct and safer link out of the site. Adjacent to the path will be a small embankment, together with the provision of some sporadic tree planting on the southern side of the footpath, and planting beds on top of the embankment.

It is acknowledged that the planting and the embankment will not screen the development from view from the south, but it will soften the boundary treatment, and avoid the normal requirement for the provision of a substantial

and robust fence along the southern boundary with the business estate. The height of the embankment and the planting areas, is sufficient to prevent access, pedestrian or vehicular, access, this together with the open nature of the car parking and associated lighting, offers adequate security for the southern part of the business park, as well as a satisfactory footpath route.

The larger of the 2 buildings located to the western side of the site will bring development closer to Shirley Villas. Shirley Villas is a terrace of three houses sited at right angle to the site as such no 3 is the closest. The main aspects of these 3 dwellings faces east and west (indeed their access is off Bradford Road). The gable of no 3 faces towards the new development, and it is accepted there are side windows currently these side windows look towards the rear of an existing factory. Also there is a 1.8metre high stone boundary wall between Shirley Villas, and the public footpath which form the southern boundary of the site. Whilst his wall will afford screening and privacy for the garden area, the side windows will face towards the proposed factory, whereas they currently face an overgrown area to the rear of an existing factory.

The new factory building is sited between 10.5m and 12m away from the side windows in that elevation and the eaves height of the new building will be 7m, which is a comparable height to Shirley Villas themselves. It is acknowledged that there will be an impact on the aspect from those side windows but not from the garden area, which benefits from the existing boundary wall. There will be no overlooking, and no activity to the rear of the factory. In a comparable situation for residential development the distances between a main habitable room window and a blank elevation would be 12m. In this case the distances are between 10.5 and 12m, and the windows are in the gable, with the main elevation and windows facing east and west.

As such whilst it is acknowledged there will be an impact on the aspects and views form 3 Shirley Villas, they are not considered to rise to the level of a refusal of the application especially as the site is allocated for employment use, and the proposed buildings are fairly low.

Conditions will also be applied to the development with respect to the range of uses,(ie the site will be limited to a Class B1(b, c) use this is light industry which is a use that is compatible with residential neighbours in relation to noise and disturbance considerations and is acceptable within residential areas. Also there is no activity to take place between the site and Shirley Villas, car parking and delivery will be further to the east, and , notwithstanding the B1 (B,C) use, a condition requiring a noise report along the entire southern boundary is recommended by Environmental Health Services. As such it is considered that the impact of the proposed development upon residential amenity is acceptable and can be adequately controlled by planning conditions.

Flood Risk and Drainage:

As the site is within flood zone 2 and partly within flood zone 3(a), a Flood Risk Assessment has been submitted with the application. The application is also accompanied by a sequential test for an agreed search area (i.e. greater Cleckheaton and Spenborough). The test has been carried out satisfactorily and the alternative sites screened appropriately. As such the sequential test has been satisfied.

The proposed industrial use falls into the category of 'less vulnerable' development which is identified as being compatible with Flood zones 2 and 3(a). As such there is no requirement to carry out an exceptions test.

As requested by the Environment Agency amended Flood Risk Assessment (FRA) has been submitted detailing proposed mitigation measures and additional storage capacity for a 1in100 year + 30% scenario.

The amended scheme has been re-considered and accepted by the Environment Agency who withdrew any objection, subject to the imposition of conditions, which cover finished floor levels and the maintenance of agreed surface water flow routes, identified in the amended FRA.

The EA support the provision of a scheme restricting surface water run off the 5ls ie greenfield. This will see the developed site not exceeding the run off rates, or those that have been agreed as part of the Phase 1 approval. Conditions recommended need to be consistent with the extant approval, on Phase 1.

The scheme satisfies the sequential test, and the identified mitigation(which will be the subject of a condition) will protect the new buildings from any river flooding, not increase any surface water flow from the site, thus not exacerbating any potential problems downstream, and also providing adequate overland flow routes in the event of an extreme rainfall event.

As such it is considered that the proposal is in accordance with the guidance contained in part 10 of the National Planning Policy Framework " Meeting the challenge of climate change, flooding and coastal change".

Environmental Issues (Decontamination/ Remediation and Noise):

The site is capable of being remediated and made fit to receive the new development, and these matters are covered by condition. In addition this site is within an area with a history of coal mining and there are a number of mine shafts, adits near to this site, and on adjoining land. An updated Coal Mining Risk Assessment has been provided and forwarded to the Coal Authority, who have withdrawn any objection to the scheme(as they did on Phase 1), subject to the imposition of appropriate conditions.

As a new factory development in close proximity to dwellings (ie Shirley Villas) potential noise nuisance is an issue. Environmental Health recommended that the new units be restricted to Class B1 and a noise report be provided along the boundary. The new buildings(unlike Phase 1) are to be restricted to Class B1((b,c) ie a use deemed to be compatible with residential use, and a noise attenuation condition is recommended to cover the entirety of the southern boundary , which includes some parking and delivery space. As such it is consider that the issue of noise has been satisfactorily addressed.

Bio diversity:

The site is substantially overgrown. There are some mature trees next to the riverbank and adjacent the public footpath, and these are part of a larger group, of trees that stretch along the riverbank to the rear of Phase 1 of the business park. There are also a number of scattered trees across the site in amongst the undergrowth

As part of the consideration for Phase 1 the whole site was assessed for any bio diversity habitat, and the trees on the site inspected and not considered worthy of a Tree Preservation Order, and as part of that Phase 1 approval the majority of the site is already to be cleared. The vegetation on this site is no different and no ecologically important habitats identified on this part of the site previously. The trees next to the river offer the best opportunity for bio diversity enhancement with some additional planting to augment that line of trees, with also a landscape scheme adjacent to the footpath. This scheme will have no impact at all on the riverbank or the river wall , there being a buffer maintenance zone at the top of the banking.

As such it is considered that the development can maintain the existing level of bio diversity within the site, and deliver some enhancement next to the river, and therefore accords with the guidance contained in part 11 of the National Planning Policy Framework” Conserving and enhancing the natural environment”.

Crime Prevention:

The parking and servicing areas are all located centrally to the development with the units they serve facing them, so they are naturally overlooked. Also there will be lighting and security measures throughout the site (both Phases 1 and 2) and details of these are to be secured by condition. Along the southern boundary next to the footpath, the boundary treatment here is a small embankment with planting areas. This is sufficient to prevent any vehicle access and deter pedestrian accessed from the path. This avoids the need for a large security fence, adjacent to the footpath. The footpath also passes next to parking areas, which at night will be floodlit. As such this boundary treatment is considered to be a satisfactory compromise between the security of the site, and the security and attractiveness of the public footpath.

As such it is considered that the development accords with the guidance contained in part 8 of the National Planning Policy Framework "Promoting healthy communities", and Policy BE23 "Crime Prevention" in the Kirklees Unitary Development Plan.

Conclusion:

The proposal will deliver new employment opportunities in a sustainable location, on a site allocated for this purpose. The scheme will also complete the employment development of the entire business allocation.

The site is capable of being satisfactorily remediated, and made fit to receive the new development, also amended flood risk mitigation measures have been submitted and agreed by The Environment Agency, and these are also to be conditioned.

The development of this part of the site takes account of the proximity of the residential properties, with the restriction of the usage to Class B(b,c) and also retains and improves the public footpath on the southern edge of the site. It is accepted that the scheme will have an impact on the dwellings at Shirley Villas, but conditions and negotiations have taken place to mitigate as far as possible those impacts and the overall outcome is not envisaged to cause any serious loss of amenity to the residents of Shirley Villas

As such it is considered that on balance the benefits of the scheme in delivering new employment and improving this public footpath outweigh any potential harm to the aspect and views of dwellings at Shirley Villas, and conditional full approval is recommended.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PERMISSION

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
3. No development shall take place until sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.
4. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

5. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 4 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

9 Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

11. The development hereby approved shall be restricted to Class B1(b&c) of the Town and Country Planning (Use Classes) Order 1987 as amended and no other use, without the prior consent in writing of the Local Planning Authority

12. The development permitted by this planning permission shall be carried out in accordance with the approved FRA for Spenborough Business Park (July 2016/10217-5003, rev no 01/ Met Engineers Ltd) and follow the mitigation measures detailed within the FRA.

- Finished floor levels are set no lower than 300mm above ground level;
- Overland flow routes are maintained through the site as indicated in the Surface Water Management Plan in Appendix 11 of the approved FRA.

The mitigation measures shall be fully implemented in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period a may be subsequently be agreed , in writing , by the local planning authority.

13. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved by the Local Planning Authority, unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from the site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restrictions and attenuation works have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

14. Prior to the commencement of development the following details shall be submitted for the written approval of the Local Planning Authority:

- A remediation scheme to afford public safety and the stability of the proposed development from the risks posed by two recorded mine entries (shafts);
- A scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The agreed details shall be implemented prior to the occupation of any buildings on the site.

15. Prior to any buildings being occupied details of the boundary treatments shall be submitted for the written consent of the Local Planning Authority. The approved fencing shall be implemented prior to the occupation of any buildings and thereafter retained.

16. The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the development site. Details of the measures to be incorporated shall be submitted to and approved in writing by the Local Planning Authority, prior to development commencing, and shall be implemented before the development is first occupied and thereafter retained throughout the lifetime of the development.

17. Before development commences, the proposed visibility splays shown on approved plan no RWF-01 rev C shall be cleared of all obstructions to visibility and tarmac surface to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

18. Within 3 months of any part of the development being brought into use a Travel Plan shall be implemented in accordance with the Framework included within the PAH Consultants Transport Assessments and there after retained throughout the lifetime of the development.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			21/3/16
Propose layout (amended)	90027 RWF 71		1/8/16
Proposed roof plan	90027 RWF 71		21/3/16
Site sections	90027 RWF 74		21/3/16
Turning Head	90027 RWF 72		
Public footpath improvements and sections	90027 RWF 50		1/8/16
Design and Access Statement			21/3/16
Topsoil report	42983-1		21/3/16
Transport Assessment (including Travel Plan)	1116/Feb 2016		21/3/16
Flood Risk Assessment(updated)			1/8/16
Coal Mining Risk Assessment (updated)			1/8/16

Application No: 2016/91158

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of 87 dwellings and demolition of existing working mens club*

Location: *Flockton Green Working Mens Club, Barnsley Road, Flockton, Huddersfield, WF4 4AA*

Grid Ref: 424127.0 415039.0

Ward: *Kirkburton Ward*

Applicant: *Barratt and David Wilson Homes*

Agent:

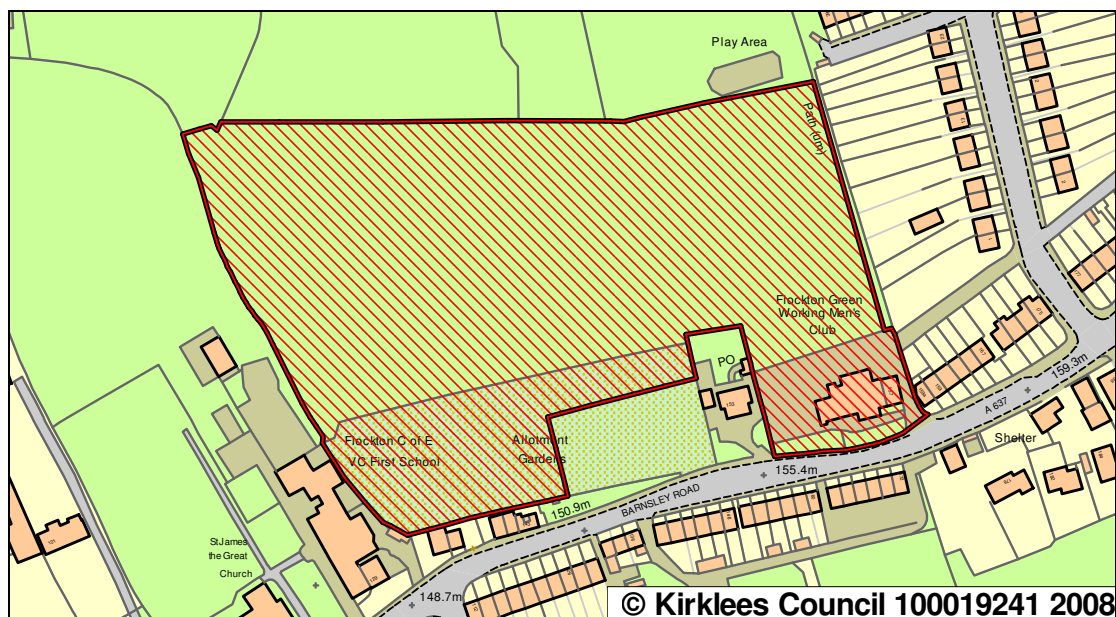
Target Date: *21-Jul-2016*

Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS*

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Residential	
Scale of Development	Site area: 2.64 ha	Units: 87
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Provisional Open Land (POL) & Unallocated	
Independent Viability Required	No	
Consultation/Representation		
Individual Support (No.)	N/A	
Individual Objection (No.)	6	
Petition	No	
Ward Member Interest	Yes	
Statutory Consultee Objections	N/A	
Contributions		
• Affordable Housing	20% of units	To be secured by planning obligation
• Education	£292,247	To be secured by planning obligation
• Public Open Space	£231,150	To be secured by planning obligation
• Highways	£41,000 for sustainable travel fund £10,000 for bus stop improvement	
Any Council Interest?	No	
Pre-application planning advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	The proposal constitutes sustainable development whereby the delivery of new housing outweighs the loss of the open land. The development would result in planning gain by facilitating the erection of a new working men's club and delivering on-site affordable housing and off-site improvements to existing nearby POS. Pedestrian links through the site to adjoining land are provided. There would be no significant detriment to visual amenity or highway safety and the residential amenity impacts are accepted on balance.	

2. RECOMMENDATION

Delegate authority to officers to grant conditional full planning permission subject to the applicant and the Council entering into a S106 obligation.

3. INFORMATION

The application is brought forward to Strategic Committee as the development proposed would be a departure from the Councils Unitary Development Plan (UDP).

Site Description:

The application site predominantly comprises of a grassy field which is allocated as Provisional Open Land. The field slopes from north to south and from east to west. The south east corner of the site contains Flockton Green Working Men's Club and its car park and the south west corner of the site is relatively overgrown.

To the east of the site are semi-detached and terraced houses with much of the eastern boundary being flanked by the long rear gardens belonging to 1-23 Park Side. To the south of the site are traditional terraced housing fronting onto Barnsley Road and to the west is Flockton CE (VC) First School. A recreation ground, playing field and area of grazing land lie to the north.

Proposal:

The application seeks full planning permission for the development of 87 dwellings comprising a mix of 2, 3 and 4 bed detached, semi-detached and terraced dwellings. Access to the development would be off Barnsley Road.

The proposal includes the demolition of Flockton Green Working Men's Club to accommodate the location of the access road into the site.

4. BACKGROUND & HISTORY

The following application is for the erection of a new working men's club to replace the existing club that is to be demolished. The application has been submitted by the same applicant.

16/91464 Erection of club with flat above – Reported elsewhere on this agenda

5. PLANNING POLICY

Kirklees Unitary Development Plan

D5 – Provisional Open Land (POL)
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
T16 – Pedestrian routes
T19 – Car parking standards
G6 – Contaminated land

H1 – Meeting housing needs in the district
H10 – Affordable housing
H12 – Affordable housing
H18 – Public open space
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Integral landscaping scheme to protect / enhance ecology
BE23 – Crime prevention
R9 – Allotments
R13 – Rights of way

National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)
NPPF Delivering a wide choice of high quality homes (chapter 6)
NPPF Requiring good design (chapter 7)
NPPF Promoting healthy communities (chapter 8)
NPPF Meeting the challenge of climate change, flooding (chapter 10)
NPPF Conserving and enhancing the natural environment (chapter 11)

Planning Practice Guidance March 2014

Air Quality

Other Guidance

KMC SPD 2 (2008) – Affordable Housing
KMC Policy Guidance: ‘Providing for Education Needs Generated by New Housing’

6. CONSULTATIONS

KC Highways – No objections subject to conditions

KC Environmental Services – No objection subject to conditions relating to noise, the reporting of unexpected contamination and electric vehicle charging points.

KC Strategic Drainage – No objections in principle, subject to conditions

KC Environment Unit – No objection subject to conditions

KC Landscape – Development needs to ensure that suitable connectivity is achieved with the public open space to the north. Additional planting to rear gardens would enhance green infrastructure, ecological corridors and the overall setting of the development.

KC PROW Officer – Concerned that the layout has not made it practical to provide a footpath route along the eastern site boundary and does not provide a non-motor vehicle route through the site.

KC Trees – No objections

KC Education – Contribution of £292,247 is required

Coal Authority – Considers that conclusions of the geo-environmental appraisal is sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is or can be made safe and stable for the proposed development. The Coal Authority has no objection to the proposed development subject to the imposition of conditions concerning further intrusive site investigation works to establish the exact situation regarding coal mining legacy issues and any the carrying out of remedial works as necessary.

Environment Agency – The proposal falls outside the scope of issues the Environment Agency wish to be consulted on.

Yorkshire Water – No objections in principle, recommend a condition.

West Yorkshire Police Architectural Liaison Officer – Parking area between plots 85-87 needs to be overlooked as far as reasonably practical and the gates to the rear of plots 74-76 need to be lockable.

7. REPRESENTATIONS

Application advertised by site notices, press advert and neighbour notification letters.

Representations received: 6

The representations are summarised as follows:

Flockton CE(C) First School:

- The existing parking arrangement that the school has with the club in terms of parents using the WMC carpark and walking children to school needs to be maintained and secured by appropriate legal agreement.
- Pupils walk across the field from Park Side into the school and this serves as a safe route to school by enabling them to avoid Bansley Road
- The proposed footpath link into the school grounds needs to be in the same place as the existing access to the school along its eastern boundary. This link needs to be secured by appropriate legal agreement.
- Unclear whether the culvert to the western boundary forms part of the gardens for the adjoining properties. If not a plan for this strip of land is needed. Maintenance plan for the brook is also necessary.

- Careful consideration of the boundary treatment with the school is needed.

Highway matters:

- Additional traffic on Barnsley Road – impact on highway safety, including school children
- Query accuracy of traffic survey which is biased in favour of the developer (objector has provided details of their own traffic survey)
- Traffic calming measures needed on Barnsley Road
- Concerns with the cumulative impact of this development and two other sites in Flockton
- Concerns with the new access

Amenity:

- Impact on air quality from additional traffic
- More open green space and trees are needed within the development to help it blend in with the area
- Overlooking of 139 Barnsley Road and adjacent properties
- Visual impact of loss of green space

Drainage:

- Development is to connect to an existing watercourse which already struggles with the volume of surface water after heavy or prolonged rainfall. This will be exacerbated by the development. Watercourse can also become blocked by debris and flood the school playground.
- No indication of a 'storm tank' to deal with surface water as had been suggested at a pre-application community consultation meeting
- Building on the field will result in the loss of a natural 'soakaway' which will impact on flood risk
- Site is elevated and concerns with water run-off to lower lying properties
- Impact on capacity of drainage infrastructure

Other matters:

- Increased demand for school places
- Impact on stability of adjacent retaining walls and property at south west corner of the site because of coal mining legacy at the site. Coal mining not investigated adequately in this part of the site.
- Concerns with coal mining legacy and how this will be remediated
- Disruption and additional traffic during building works

Kirkburton Parish Council:

“The Parish Council strongly objects to this proposed development on the following grounds:

- 1. A footpath which borders the Eastern edge of the site is owned by the Trustees of Flockton Cricket Club. The plan shows this path being built over or included in the gardens of the four houses in the South East corner of the site. Where the path runs from behind the current Flockton Club car park to the Northern edge of the development, it has been sealed off by locked gates without the permission of the Cricket Club Trustees.*
- 2. **Parking:** The proposed new entry to a rebuilt Club House will result in the loss of 9 parking spaces on Barnsley Road, which were associated with the old Post Office. The existing Club’s car park is currently used by agreement by parents bringing or collecting pupils of the Flockton First School and the Nursery School. It is not clear at this stage, whether this arrangement will be possible in the future. As there will be no other parking on the North side of Barnsley Road, children will have to use an unmanned crossing at which cars simply do not stop. The road within the new plan, which most closely approaches an existing gate to the school, is designated “shared surface”, presumably to stop parents using it to park whilst collecting or dropping off pupils.*
- 3. **Pedestrian Access to School:** children approaching the school from the Parkside area currently use a path running along the West and North sides of the site to a gate and bridge over the culvert into the school. The plan shows a “potential footpath”, which should be agreed before planning permission is granted.*
- 4. **Responsibility for Culvert:** The culvert and ditch along the Western edge of the site is the responsibility of the developer, but it appears to have been excluded from the site development. It therefore leaves a dangerous and hidden area, putting the school pupils at risk. The culvert, particularly at the Southern end, needs regular maintenance as it has flooded the school playground and store in the past. The developer should make proper safety and maintenance provision before planning permission is granted.*
- 5. Although the application refers to Flockton Green WMC, the Club ceased operation in November 2013, since when it has been “Flockton Green Ltd”. There is no clear indication that a replacement club will, in fact, be built.*
- 6. The Transport Plan is not fit for purpose to the extent that it states 2% of people will travel by train to the site. The author of the Plan is clearly unaware that Flockton is not on a train line and is situated several miles from the nearest railway station.*
- 7. If the development receives planning permission, there must be a limit imposed on the number of working hours permitted by the developer to protect local residents and for the safety of the school pupils.*
- 8. There must also be traffic calming on the site, both during the construction and after it is completed.”*

Councillor John Taylor:

"I have a number of reservations about this application, especially around the Highways issues and the increase in traffic that will be generated by the application.

Firstly I would like to see this application and the separate application for the Working Men's Club linked in some way, so that this one could not proceed without the other. The reason for my asking for this is that the existing car park for the club is used for parents who are bringing their children to school and if this provision was lost, this would force them to walk the children to school along Barnsley Rd, which I am sure you are aware is far from suitable given the narrowness of the pavements at some points and the volume of HGVs that use this road. The retention of this parking provision needs to be a firm obligation on the developer and the access to parking needs to be maintained throughout the development period.

My second concern relates to the loss of the existing footpath which is well established and has been used for years for children to walk to school from Parkside at the opposite side of the site. This is effectively a safe route to school away from the busy Barnsley Rd and is one which, if lost, would lead to further traffic congestion as parents from here would seek to drive their children to school and park at the club to avoid them using the main road. I note that the plans make reference to a "potential footpath link" to the open space behind the site and also at the point adjacent to the school to a "potential footpath link" here as well. This would need to be made a definitive part of the plan rather than a potential one. I have a secondary concern here about how the children will be able to get to school safely during the construction of the site and I would like to understand from you what protocols could perhaps be developed to ensure a safe route to school is maintained throughout the development of the site.

Even with this we are faced with children losing a safe way to school across open space to them having to travel along residential streets with the obvious obstacles that that presents especially for younger children. Given that these residential roads will become the route to school, I would be looking to see some form of traffic calming instituted so that the danger to children from the moving traffic is minimised as much as possible.

An additional area that I would seek clarity on is the water course that runs down the west of the site adjacent to the school. It is not clear whether this is within the site and so in people's gardens or if it is intended to exclude this area from the site. If it is the latter that leaves me with some concerns that it creates a small area of dead land adjacent to the school which would raise some safeguarding concerns as it would not be easily observed. Also if the watercourse does not become the responsibility of the owners of the gardens at the west of the site, there needs to be clear ownership and maintenance plans of the brook including the regular removal of litter that a neglected area would attract.

My next concern is the inadequacy of the Travel Plan. This states under section 4.2.12 that Barnsley Rd is suitable for cycling. Clearly the people who wrote this report have never been to Flockton as the road is far from suitable for cycling, given its narrowness at points and the volume of HGVs that use the site. To be promoting people to cycle on this road, especially young people is clearly a concern.

The plan purports to demonstrate that commuting other than by car is possible & likely & yet there is only an hourly bus service which is little use for most people to get to work as it is unlikely to coincide with their hours of work, depending on where they work and in all likelihood they will use the car to avoid the risk of having missed a bus and needing to wait a further hour for the next one. The report fails to point out that the earliest that you can get to Huddersfield from Flockton is for 8am so if you need to get onwards transport you may not be able to get to your place of work in time and so in my mind this fails the sustainability test for public transport use.

The report summaries in section 4.5.3 that "the site provides convenient access to potential employment areas by sustainable modes of transport. It is therefore considered that the location of the site is consistent with national and local policy objectives." whereas in reality the bus service is too infrequent to be viable for people who need to commute for work and would need any onward transmission once in Huddersfield and is considered unsafe for cyclists due to the heavy traffic and narrowness of the road. There is no local shopping facilities beyond an expensive local convenience store which means people will need to travel out of the village to Huddersfield or Wakefield to access a large supermarket for a weekly shop.

My concerns about the suitability of this report are accentuated by section 6.1.4 which states that it anticipates that one departure journey each day from the site will be via the train when the nearest stations are in Wakefield, Shepley or Denby Dale. If the modelling undertaken can generate predictions which are impossible to deliver, surely the whole model needs to be challenged."

8. ASSESSMENT

General principle:

The majority of the application site is designated as Provisional Open Land (POL) in the Councils UDP. The site comprises the vast majority of the POL allocation with the remainder comprising the site of the proposed replacement working men's club.

Policy D5 states that "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."

Paragraph 2.15 of the UDP advises that 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 judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.

The Local Plan will provide the evidence base for all new and retained allocations including POL. The local plan process is underway however it is not at a sufficiently advanced stage to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”

NPPF paragraph 14 states that where relevant policies are out-of-date, 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”.

Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements, while the ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations.

As such, in the absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable in this instance.

The following sections of this report detail the main issues with the application and conclude that development, at this scale, does not give rise to significant material planning harm which can be substantiated as a reason for refusal. In addition, although the NPPF encourages the effective use of previously developed (brownfield) land, the aforementioned policies make it clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

The part of the site which contains the existing working men’s club is unallocated on the UDP Proposals Map and therefore policy D2 of the UDP is also relevant. This states that planning permission will normally be granted subject to a specific set of considerations. These considerations are addressed later in this report.

An area of the site that lies between Flockton C of E First School and the former post office at 153 Barnsley Road is identified as allotment gardens on the Ordnance Survey map however it is not allocated for allotments in the UDP.

Given that part of the site was formerly used as allotments UDP Policy R9 is relevant. This policy seeks to protect allotments or land last used as allotments from development. No alternative allotment provision is being proposed as part of the development and the proposal is therefore contrary to Policy R9. Paragraph 74 of the NPPF also sets out circumstances when existing open space may be built on and the proposal does not comply with these circumstances.

The land in question is overgrown and is not currently used as allotment land. What is more, historic aerial photographs suggest that the land has not been used as allotments for a considerable period of time. For example, an aerial photograph from 2000 does not indicate any allotments laid out on this part of the site.

The prospect of an allotment use being provided is considered to be very limited given the length of time that has elapsed since they were last used as such. The land in question is also in private ownership which further limits the prospect of allotments being provided.

Taking into account the above alongside the wider benefits of the proposal in terms of the provision of new housing at a time when there is a shortfall of housing land and the other matters detailed in this report, it is considered that these factors outweigh the loss of the former allotments in this case.

Impact on visual and residential amenity:

The settlement of Flockton straddles the A637 Barnsley Road and accommodates a mixture of ribbon style residential development along with some local facilities and services as well as pockets of housing set back from the road.

The application site is on the northern side of Barnsley Road and within the centre of the village. The site is set at a higher level than the road. Within the immediate vicinity of the site is a mixture of traditional semi-detached and terraced houses constructed from natural stone or red brick which are two storeys in height.

The proposal is for a mixture of detached, semi-detached and terraced dwellings which incorporate a variety of design styles. Around two-thirds of the dwellings are two storeys in height with the remainder having two and half storeys through the provision of dormers and attic accommodation. It is proposed to construct the development from brick with the type of brick to be agreed. The roofing material is also to be agreed.

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Whilst it is important to respect the local distinctiveness of an area it is also important not to impose particular architectural styles or tastes. This is a clear requirement of paragraph 60 of the NPPF.

The development proposed would be relatively well integrated into the surrounding area.

Three properties would have a direct frontage onto Barnsley Road where they are adjacent to the proposed access (plots 1, 86 & 87). Plot 87 has its principal elevation onto Barnsley Road and plots 1 and 86 have strong gable frontages which include main windows and their principal elevations facing onto the road junction. This enables this part of the development to integrate with the established nearby development that faces Barnsley Road. This

would be further enhanced through the provision of suitable boundary treatment that was in keeping with the character of the area.

In terms of the northern part of the site, a number of properties would front onto the recreation ground and existing children's play area. This helps to integrate the development with the established public open space whilst also providing natural surveillance which is a benefit from a crime prevention perspective.

The layout provides for a pedestrian link between the recreation ground to the north and through the site to Flockton First School. This link therefore maintains an existing informal link (desire line) across the site and directly into the school grounds. The layout also allows for a pedestrian link with the site of the proposed replacement clubhouse. These pedestrian links help to integrate the development within the surrounding area. Further details on these pedestrian links are included within the 'highway safety' section of this report.

The development does not provide any public open space within the site although funding will be secured via S106 agreement in lieu of this which will enable the recreation area to the north to be significantly upgraded.

The general design of the dwellings is considered to be acceptable and would sit comfortably within the village setting, with the design being broadly similar to other more modern developments that have taken place in the area. The development respects the existing topography of the site and the scale of the dwellings (two and two and a half storeys) is in keeping with established nearby development.

It is proposed to face the dwellings in brick with a mixture of red and buff brick being suggested by the developer. In principle brick is considered to be acceptable because it would be in keeping with a significant proportion of adjacent development. Samples of the brick to be used will need to be approved by condition. Roofing material is not specified within the application although natural slate predominates in the locality and the roof material will need to respect this. Approval of a sample of the roofing material will need to be secured by condition.

In summary the layout, scale and appearance of the development proposed are considered to be acceptable having regard to the established character of the area. It is considered that the development proposed would not have an unacceptable impact upon the visual amenity of neighbouring properties and the wider area.

The layout proposed in the main satisfies the Council's policy in relation to space about buildings between the proposed dwellings and existing development surrounding the site. There are however a number of instances where distances proposed fall short of those set out in policy BE12:

- Plot 1 to terraced houses on opposite side of Barnsley Road – 18m & 18.5m between habitable windows

- Plot 86 to terraced houses on opposite side of Barnsley Road – 15.5m & 16m

In the above cases the relationship is not dissimilar to existing residential development just to the east along Barnsley Road and the proposed layout therefore maintains the established character of the streetscene. It also enables the development to have a strong presence onto Barnsley Road and relate to the existing row of terraced houses to the west. Increasing the separation distance between habitable windows would result in a form of development that would less respectfully reflect the streetscene and would be detrimental to the overall quality of the proposed development. The separation distances that are provided are considered to afford a sufficient level of privacy for existing and future occupiers and on balance existing space standards are considered to be acceptable.

- Plots 11 & 12 to terraced cottages fronting onto Barnsley Road – 20m between ground floor kitchen-diner and rear wall of no.s 139-143
- Plot 13 to 137 Barnsley Road – 19m & 20.5m between rear elevations

In the above cases the slight shortfall in separation distances and potential for overlooking is mitigated by the difference in levels and boundary screening.

It is to be noted that 135-143 Barnsley Road are set down from the application site and the rear walls of these dwellings are very close to the application site boundary and separated by a retaining wall. To address this issue it is proposed to retain the existing height difference between the south west corner of the site (where plots 10-15 are located) and the existing properties to limit the potential impact and to ensure that the existing retaining wall remains intact. The rear boundary fences for plots 10-15 are also set in from the rear of 135-143 Barnsley Road to create an undeveloped plateau adjacent to the existing houses and thus mitigate the impact of the boundary treatment.

Dwellings adjoining the western boundary back onto Flockton CE (VC) First School and its grounds. Separation distances between rear elevation windows and the school are between approximately 10m and 14m and there is an established tree belt separating the sites along the western boundary. The separation distance and retention of the existing vegetation along the boundary means that Officers are satisfied that this relationship would not give rise to any significant harm to amenity.

Dwellings adjoining the eastern boundary abut the elongated rear gardens of 1-23 Park Side and the side boundary of 157 Barnsley Road.

It is mainly garden areas and single storey garages belonging to the proposed dwellings that are closest to the eastern boundary. This allows for acceptable separation distances between habitable windows and the adjacent gardens.

In the case of plots 72 and 81 these properties have a gable end relatively close to the boundary of the nearest neighbouring gardens (3-4m). In the side of plot 72 is a secondary lounge window at ground floor and a bathroom window at first floor. In the side of plot 81 is a secondary lounge/dining window at ground floor and two bathroom windows at first floor. Ground floor windows can be screened along the boundary and the upper floor windows can be obscure-glazed to ensure that there would not be any close overlooking. The scale and proximity of these dwellings would have an impact on the lower part of the neighbours' gardens but given the overall length of the gardens on balance it is considered that this relationship would not give rise to any unacceptable harm.

The proposal involves development to three sides of the former post office building at no.153 Barnsley Road. This property includes a large garden area to the rear. The application site is elevated from this property. The former post office building would be flanked by the rear gardens of the adjoining properties which provides a degree of openness around it and the separation distances and boundary treatment are sufficient to prevent undue overlooking.

There are also a number of instances where the separation distances between some of the proposed dwellings do not meet Policy BE12. This needs to be balanced against the desirability of making efficient use of land in order to meet housing need, the fact that applying the separation distances in a rigid way would not be conducive to securing variation in form and street scene within the layout and that future occupiers of the proposed development would be aware of the separation distances when purchasing properties.

It is therefore considered that whilst in some instances the separation distances between properties internal to the site fall short of the minimum distances set out in policy BE12, this in itself would not be sufficient grounds to refuse planning permission when balanced against other material considerations.

Highway safety:

The site:

The site fronts onto A637 Barnsley Road. It slopes down from the north to the A637. To the east, it is bounded by the rear of properties which front onto Park Side. There is a football pitch and cricket pitch to the north of the site which are also owned by Flockton Green Working Men's Club (FGWMC) as well as a children's playground. To the west, the site is bounded by Flockton C of E First School. There is also a small beck which runs between the school and the site.

The existing FGWMC occupies the south-east corner of the site and is accessed via a track along the eastern boundary of the site to the rear of the Club where the car park is located. No 159 Barnsley Road is a former post office with residential accommodation which is bounded on three sides by the

site. It is served by a private drive and fronts onto A637. This property does not form part of the site. A637 Barnsley Road runs along the southern frontage to the site. It runs between the Grange Moor roundabout to the north-west of the site where it meets A642, past the site, through to the A636 and in a south easterly direction to the M1 and Barnsley.

As the A637 passes through Flockton there are a number of properties which reduce the carriageway width. These have been accommodated by installing a traffic signals and priority working shuttle system. There are no proposals to amend any of these traffic management measures as part of this planning application.

The A637 Barnsley Road varies in widths between 6m in the vicinity of the site. It has a continuous footway which runs along the site frontage. This is generally 1.5m in width but it narrows down to approximately 1m in width towards the south-east end of the site.

Pinfold Lane runs from A637 at the south-west corner of the site. It forms a priority junction where emerging traffic on Pinfold Lane must give way. There is a zebra crossing to the west of this junction. There is also a zebra crossing between the eastern corner of the site and Park Side.

The existing access to FGWMC is located at the extreme eastern side of the site frontage. The visibility to the right for vehicles emerging out of the FGWMC car park is poor. There is a lay-by on the site frontage which has capacity for approximately 7 cars. There is also a lay-by on the north side of A637 between the access to the FGWMC car park and Park Side. Both of these lay-bys appear to be used by residents of nearby houses.

Accident Review:

A review of personal injury accident records for the area in the vicinity of the site has been undertaken. The accident record for this area is good, with a relatively low incidence of injury accidents. There has been 1 serious accident within 50m of either side of the proposed access in the last 5 years (up to end May 2015) that was in early 2012 but no contributory factors are listed.

Public Transport:

The proposed development site is well located in terms of its proximity to public transport services which run adjacent to the site on Barnsley Road. Stops are located on both sides of Barnsley Road within 400m walking distance from the proposed development.

The bus stops on A637 are served by bus numbers 231 and 232 provide regular and direct connections from the site to both Huddersfield town centre and Wakefield city centre which provide further facilities and transport links to wider destinations.

The Proposed Development:

It is proposed that the development will be accessed via a simple, priority junction directly onto A637 Barnsley Road. It is proposed that the main access spine road will have a 5.5m wide carriageway with 2m wide footways to both sides leading to a number of shared surface carriageways.

A pedestrian link will be provided to the land to the north which contains the football pitch and children's playground. There would be a reasonably significant difference in levels between the application site and the adjacent land to the north and a flight of 8 steps is proposed to link these areas. Steps are considered to be unsuitable and it is considered that the land to the north should be graded to provide level access. The grading works would fall outside of the application site boundary within land that is also owned by the WMC. The applicant has proposed a separate planning application to carry out these grading works. The applicant also intends to locate their site compound in this area during the construction phase. A graded access would also allow maintenance vehicles to access the playing fields via the development site in the future. Officers are satisfied that a separate application to deal with the grading works on the adjacent land is an acceptable approach to addressing this matter. A Grampian style condition could be used to secure the off site works to accommodate the regrading.

A pedestrian access from the internal cul-de-sac will be created to provide access to the rear of the Flockton C of E First School. Parents and carers will be able to park in the new Flockton Green WMC car park and walk along the footway directly to and from the school along the residential cul-de-sac.

Parking for the residential units has been provided in line with Kirklees Council's Standards, on the basis of two parking space for dwellings with two and three bedrooms and three parking spaces for dwellings with four or more bedrooms.

The clubhouse will include for 24 car parking spaces accessed from Barnsley Road. It will also provide a ramped access which will provide pedestrian access between the clubhouse car park and the southernmost access road on the residential scheme.

The car parking spaces within the new club site will be available for the use of parents and carers dropping off and picking up children from the adjacent primary school. Planning conditions are proposed to control the timing, use and delivery of the provision of the new club car park for use by parents and carers dropping off and picking up children from the adjacent primary school. This will mean that the existing parking arrangement between the school and the WMC will be maintained. The new WMC would provide at least a commensurate level of parking space to the existing club car park. The serviced plot with car parking for the new club is proposed to be constructed in the first phase of development. This should keep disruption to a minimum though there may be a short period of time when the existing club parking facilities are removed and the new serviced plot parking is not new completed.

A speed survey has been carried out to verify actual traffic speeds. This shows that the 85th percentile wet weather speed in a westbound direction is 31 mph and that in an eastbound direction it is 30mph. Hence Manual for Streets recommends that visibility splays of 2.4m x 43m to the right and 2.4m x 45m to the left are provided.

Sight lines to the new club have also been provided as per the speed survey.

It is proposed that the road markings are amended to accommodate the access to the clubhouse and visibility splays of 2.4m x 43m to the right and 2.4m x 45m to the left will be provided. In order to form the access, some minor road marking will be required to ensure that the access is kept clear and the car parking in the existing lay-by is hatched out to prevent cars parking close to the access.

The internal layout has been amended with visibility splays onto Barnsley Road shown on the layout plans, the bend in the road opposite plots 79 and 80 has been amended to show radii to both sides and footways are carried past the proposed ramps where the traditional estate roads join the shared surfaces.

The proposed footway widening and improvement works along Barnsley Road to the site frontage now include measures to improve the visibility of the existing zebra crossing to the west of Pinfold Lane with the provision of 'halos' to the belisha beacons.

Traffic Generation:

The traffic count surveys were undertaken between the hours of 07:30 - 09:30 and 16:00 - 18:00 on Barnsley Road at the proposed site access location. The AM and PM peak hours were derived from the traffic count data and are 07:30 - 08:30 for the AM peak and 16:30 - 17:30 for the PM peak. These were recorded as 572 east bound and 749 west bound in the AM peak and 670 east bound and 618 west bound in the PM peak.

The development proposals (based on 87 residential dwellings) are forecast to generate some 66 and 64 two-way vehicle trips during the AM and PM peak hours, respectively. This equates to an increase in vehicular trips on the local highway network of approximately one every minute in both the AM and PM peak periods.

Future year junction capacity assessments have been undertaken using the junction 8 PICADY software at the proposed site access /Barnsley Road priority junction for the 2022 predicted traffic flows, for both the AM and PM peak hours. No committed development traffic has been included in the assessment. The proposed junction layout is predicted to operate with substantial spare capacity under the future year traffic flow scenarios in both the AM and PM peak periods.

The applicants have undertaken an assessment of the Flockton shuttle traffic signals and priority working system and included committed development traffic from applications 2014/93480 (24 dwellings at Manor House Flockton Huddersfield) and 2014/94027 (Flockton Hall Farm, Barnsley Road, Flockton). The capacity assessment undertaken demonstrates that any increase due to the proposed developments and committed development will be small. In terms of flow to capacity the increase is 1% to 2% in the AM peak and 4% in the PM peak.

Conclusion:

The development can be controlled so that the proposed new WMC will provide drop-off and pick-up facilities for the nearby school. The proposals provide highway safety improvements to Barnsley Road and good connectivity between the development and the urban greenspace to the north as well as good connectivity with the school. The proposals provide an acceptable layout with sufficient off-street parking and internal refuse vehicle turning. These proposals are considered acceptable in highway safety terms and the application accords with policies T10 and T19 of the UDP.

Public rights of way:

The public rights of way team has raised concern that the layout does not provide a pedestrian only route through the site. Notwithstanding this concern, officers have concluded that the overall connectivity between the site and adjacent land to the north is good with access being provided on well surfaced and well-lit footways where vehicular traffic speeds are likely to be low. On balance officers have concluded that the connectivity provided along with the wider benefits of the development outweigh the absence of a non-motorised footpath link.

Flood risk & drainage:

It is proposed to dispose of surface water to the watercourse to the west of the site at a restricted rate of 3.5 l/s. A partial survey of the downstream watercourse has been submitted to establish the condition of the pipework and ascertain its suitability for such a connection.

Kirklees Flood Management and Drainage have agreed in principle the surface water strategy. However, the survey of the downstream watercourse has revealed that there are several defects (primarily cracking) along its length in multiple places and as such the pipework is compromised and requires attention in the short to medium term. As a result of the development additional properties would be reliant on its integrity and the potential for failure increases because of the additional discharge to the network that would arise. As such, it is considered necessary for the downstream network to be upgraded as part of the application. The upgrade to the pipework will either need to be secured by Grampian condition or planning obligation. The most appropriate method of dealing with this may be for a financial

contribution to be secured in order for the council to carry out the upgrade works.

The watercourse to the western boundary flows in a southerly direction and forms an open channel before becoming culverted in the southwest corner of the site. The site plan indicates that the existing tree belt that runs along much of the western boundary will be retained and will essentially form the rear boundary for 13 plots.

A suitable stand-off distance between the new dwellings and the western boundary watercourse is achieved, including to the retaining walls that are to be formed within the rear gardens of the adjacent plots.

The watercourse will need to be kept open and it is important that boundary construction does not interfere with the flow. The applicant has confirmed that the culverted part of the watercourse in the southwestern part of the site will fall within the curtilage of plot 15 and the homeowner will assume responsibility for this section. To the north of plot 15 the watercourse passes through a landscaped area at the head of a cul-de-sac where the watercourse will be the responsibility of a management company. Further to the north the applicant considers that the watercourse falls outside of the application site boundary on land that is owned by the school; there is a row of 13 plots which back onto this stretch of the watercourse and the rear boundary for these plots will broadly follow the eastern side of the watercourse. Where the watercourse is outside of the applicant's control maintenance responsibilities would continue to lie with the adjacent land owner (the school). The development would not therefore significantly alter the existing situation, albeit access on the eastern side of the watercourse would be restricted. The applicant is reviewing this situation and any further information received will be reported in the Committee Update.

The proposed layout allows for safe flood routing to the natural low spots on the site and flood routing plans also indicate that a ditch will be incorporated at the northern boundary. A condition requiring more detailed flood routing proposals, building on those measures already indicated, is recommended.

A temporary drainage plan is also required prior to commencement on site. This will need to specifically consider the increased risk of flooding post site soil strip for property and the local road network, as well as local drainage systems at lower levels. This shall include a plan for controlling sediment discharge to the watercourse and be linked to the phasing of the works.

There have been no objections raised by Yorkshire Water and the application falls outside of the scope of issues the Environment Agency wish to be consulted on.

Officers are satisfied that the development can be adequately drained and the application is considered to satisfy chapter 10 of the NPPF.

Ecology:

The Environment Unit agrees with the conclusion and recommendations of the ecological appraisal which has established that the site is of low ecological value and recommends a series of biodiversity mitigation and enhancement measures. These include:

- Precautionary approach to vegetation clearance to avoid impacts to badger and hedgehog, and to check for invasive species;
- Protection of trees and hedgerows adjacent to the site during construction;
- Native planting (hedgerow and trees) as part of the landscaping scheme for the site
- Hedgehog access through fences;
- Bat and bird boxes on the new dwellings

The Environment Unit has recommended that the above measures are set out as part of a Construction Environment Management Plan and a Landscape and Environmental Management Plan. This can be conditioned.

A bat survey has also been provided in respect of the existing working men's club that is to be demolished. The survey indicates that bats are not roosting on site and that the habitats to the north of the working men's club are not important as a foraging habitat. Very low bat activity was recorded around the site. It is therefore unlikely that demolition of the club will result in a significant impact to bats.

Air quality:

NPPF Paragraph 109 states that "the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

S106 and community benefit:

The proposal involves the demolition of Flockton Green Working Men's Club. The proposal will however facilitate the erection of a replacement club building on land to the west of the club's existing site and a separate planning application for the erection of a new club building has been submitted (reported elsewhere on this agenda).

The entirety of the application site is owned by Flockton Green Working Men's Club and the land receipt will provide the club with funds for the new build. As part of the land deal the applicant will also be providing the proposed car park

for the new club building and a fully serviced plot on which the replacement club building can be erected.

Having regard to the definition of community facilities in the NPPF, a working men's club is considered to constitute a community facility. Facilitating the provision of a new club building within Flockton would represent a community benefit because a modern purpose-built facility would enhance the club's ability to meet the day-to-day needs of the local community. In this context the application would help to support one of the main principles of the NPPF which is to promote healthy communities (chapter 8).

This community benefit weighs in favour of the development proposed when balanced against other material considerations, including the loss of the open land. Nevertheless, the acceptability of the principle of development does not rest with the provision of a replacement working men's club. The land receipt that will facilitate a new club to be built represents planning gain however a replacement club building is not necessary to mitigate the impacts of the development and make it acceptable in planning terms. The provision of a replacement club building as part of this application would therefore not meet all of the tests for planning obligations. The tests are: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.

The developer will be providing a serviced plot with car parking on the site of the proposed replacement club. This benefits the working men's club and will assist the delivery of the new facility. Whilst the planning system does not provide any mechanism by which to guarantee that a replacement club is erected, the delivery of a serviced plot and car park will further facilitate the club's ability to erect a new building funded by the land receipt. The provision of the services and the surfacing of the plot can be ensured through a planning obligation tied to a specific phase of the development which allows the access to the car park for parents pick up and drop off.

An indirect community benefit would also arise in relation to Flockton Cricket Club. The cricket club has a right of access over the working men's club land from Barnsley Road and up to the cricket club; the route is adjacent to the eastern boundary of the site. The right of access is very rarely exercised by the cricket club and they have agreed with the applicant to relinquish this right subject to financial compensation. The value of the compensation has been independently valued by the applicant at around £27,000. Officers understand that this money is to be used to upgrade the existing cricket club facilities which would thus help to support the future viability of the cricket club.

Public Open Space:

The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space. No public open space is provided within the site and based on the number of dwellings an off-site contribution of £231,150 is required.

KC Landscaping advise that the money would primarily be used to upgrade the existing play area to the north of the site. It is envisaged that the overall recreation ground would be enhanced to incorporate a broad range of play facilities/activities to suit all age ranges with enhanced landscaped amenity space and playing field. The money would also be used to provide semi-formalised links (e.g. crushed stone pathways) between the development and the recreation ground and from Park Side across the existing Urban Greenspace to the proposed development, linking into the proposed pedestrian route through the development to Flockton CE(C) First School.

Affordable Housing:

UDP Policies H10 and H12 together with the Councils Supplementary Planning Document set out the requirement for affordable housing.

Current Council guidelines specify that the Council aspires to secure 15% of the development floor-space for affordable housing on brownfield sites, and 30% of the development floor-space for affordable housing on greenfield sites. The vast majority of the site is greenfield.

The applicant has offered to provide 20% of the total number of dwellings as affordable.

It is considered that the affordable offer is acceptable, particularly in light of the draft emerging Local Plan policy which is based on up-to-date evidence of the viability of schemes within the District can likely afford were it is proposed to seek at least 20% of total dwellings on sites for affordable housing with a split of 55-45% social rented to sub market tenure.

Education:

The number of dwellings proposed is above the threshold for an education contribution. KC School Organisation & Planning advise that a contribution of £292,247 is required towards education provision in the area. The calculation is based on contributions to Flockton CE(C) First School and Scissett Middle School.

Bus stop improvement & sustainable travel fund:

Highways have recommended that a contribution to providing 'live' bus information at a nearby bus stop is secured at a cost of circa £10,000. It has also been recommended that a contribution towards sustainable travel incentives is secured (e.g. discounted residential Metro Cards, cycle purchase schemes, car sharing promotion, car club use). The contribution appropriate for this development would be circa £41,000. It is considered that these contributions are necessary to enable the development to meet local and national sustainability objectives.

Other matters:

The Coal Authority considers that conclusions of the geo-environmental appraisal that has been submitted with the application is sufficient for the purposes of the planning system and meet the requirements of the NPPF. This demonstrates that the application site is or can be made safe and stable for the proposed development. The Coal Authority has no objection to the proposed development subject to the imposition of conditions concerning further intrusive site investigation works to establish the exact situation regarding coal mining legacy issues and any the carrying out of remedial works as necessary. Such conditions are recommended.

Crime Prevention:

The West Yorkshire Police Architectural Liaison Officer has advised that the parking area between plots 85-87 needs to be overlooked as far as reasonably practical and the gates to the rear of plots 74-76 need to be lockable. It is considered that adequate natural surveillance of the parking area between plots 85-87 is achieved whilst also maintaining sufficient privacy for future occupiers. Lockable gates to the rear of 74-76 can be required by condition.

Representations:

Concerns have been raised by Cllr John Taylor and Kirkburton Parish Council.

One of the main issues raised relates to the school's parking arrangement with the existing working men's club. At present the school has an agreement with the club for parents to use the car park when bringing children to and from school. If this provision was lost then it would mean more pupils having to access the school via Barnsley Road which is deemed to be far from suitable given the narrowness of the pavement at certain points and the volume of traffic along the highway. The loss of this parking provision would also have an impact on on-street parking.

As part of the land deal the applicant is committed to providing the working men's club with a serviced plot that will include the provision of the proposed car park for the replacement club. The developer is also providing a graded access from the new car park into the housing development as part of application 2016/91464. The provision of the car park and graded access can be secured via planning condition that is linked to the first phase of the development. A planning condition can also be used to ensure that the car park is thereafter made available for used by the school (with the number of parking spaces to be made available and times of use to be agreed).

It will be required that the replacement car park for the club will be provided during the first phase of the construction of the housing development to limit the impact on the school. It recognised that there will most likely be a period of time during the construction phase when the school does not have access

to the existing or proposed working men's club car parks. This will however be limited as far as reasonably practicable by tying the delivery of the car park to the first phase of the build.

Another of the main issues raised relates to the established pedestrian access to the school across the site. Pupils have traditionally been able to walk across the field from Park Side and gain access directly into the school grounds from the existing field.

The proposed layout makes provision for continued access from the land to the north of the site directly to the school. A point of access is proposed to the northern boundary that will enable pupils to walk down to the school along the new footways within the development. A new pedestrian link is to be formed into the school grounds in the same position as the existing point of access. Informal footways from Park Side across the recreation ground that link to the proposed point of access to the northern boundary would be provided through the off-site POS contribution.

Officers consider that the development takes into account the existing desire lines between Park Side and the school and provides good connectivity between the development and the school.

An issue has also been raised with the construction phase and the impact on those pupils that currently walk over the site to access the school. It has been requested that provision is made for pupils to continue to access the school grounds from the field during construction. A condition requiring a construction management plan can be imposed to limit the impact of the construction on this access issue however there will inevitably be a period of time when this is not achievable on safety grounds.

A further issue raised relates to the responsibility of the watercourse adjacent to the western boundary. The southernmost part of the watercourse lies within the site and responsibility would fall to a management company and the future owner of plot 15. The applicant considers that the remainder of the watercourse falls outside of the application site boundary on land belonging to the school. In such circumstances the development would not materially alter the existing situation in terms of maintenance of the watercourse.

Concerns have been raised with the adequacy of the submitted travel plan. Officers accept that aspects of the travel plan are not agreed in terms of the projected use of non-car modes of transport. The development will nevertheless be providing opportunity for more sustainable travel through the inclusion of electric vehicle charging points and a contribution of £41,000 towards sustainable travel incentives has been secured (e.g. discounted residential Metro Cards, cycle purchase schemes, car sharing promotion, car club use). Officers have concluded that the benefits of the development outweigh any harm that would arise from these limitations.

Kirkburton Parish Council has raised an issue regarding working hours during construction. Statutory nuisances that can arise from development sites are dealt with under Environmental Health legislation.

It has been requested that traffic calming measures be incorporated into the development. The highway layout shows a raised platform adjacent to plot 31 which is along the route that pupils would walk through the development.

The issues raised by Flockton CE(C) First School are considered to have been addressed and are discussed earlier in this report.

Of the issues raised in representations from local residents, highway and drainage matters have been considered by relevant consultees to be acceptable and are detailed earlier in this report.

Officers have considered overlooking issues in the amenity section of this report and have concluded that the impact on the privacy of adjacent properties is acceptable.

The impact on air pollution associated within the new houses would be very limited and would not amount to reason to refuse the application.

Disruption resulting from the development phase is not a material consideration.

The development triggers an education contribution which will address the issue of increased demand for school places.

Issues relating to the coal mining legacy at the site have been considered by The Coal Authority and conditions are recommended in this regard. This will cover issues to do with land stability.

Conclusion:

The Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content and, in accordance with the 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”*.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. On balance, it is considered that the proposed development is in accordance with the principles of sustainable development.

The development would result in planning gain by facilitating the erection of a new working men's club and providing a well-laid out car park for the replacement club that could be used by the nearby school. The proposal also provides good connectivity through the site by linking the existing recreation ground with the school and allowing for a link between the development and the new club car park. Highway improvements are also proposed to Barnsley Road and the development will enable the recreation ground to be comprehensively upgraded through the off-site POS contribution.

The proposal therefore provides a number of benefits in addition to boosting the supply of housing in the district. These benefits are to be weighed against aspects of the scheme which aren't fully policy compliant; these aspects include a shortfall in separation distances between habitable windows in some instances and an affordable housing offer that is below the level set by current policy (although the offer is in line with emerging policy in the draft local plan).

Weighing these considerations in the planning balance - and all other matters detailed in this report – officers have concluded that the development is acceptable and the shortfall in separation distances and affordable housing are clearly outweighed by the wider benefits of the proposal.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the development proposed.

9. RECOMMENDATION

Delegate authority to Officers to grant conditional full planning permission subject to:

- 1. The applicant and the Council entering into a S106 obligation to secure:**
 - i. The provision of affordable housing**
 - ii. The payment of an education contribution**
 - iii. The payment of an off-site POS commuted sum**
 - iv. The provision of the car park for the new working men's club**
 - v. Works/financial contribution to upgrade existing surface water drainage infrastructure serving the development**
- 2. The imposition of appropriate planning conditions, which may include those matters listed below; and,**
- 3. There being no material change in circumstances, to issue the decision.**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of the facing materials for the dwellings shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any of the dwellings commences. The dwellings shall be constructed of the approved materials and thereafter retained as such.
4. The submission and approval of a phasing and management plan for the construction of the development that provides a serviced plot with car park on the new site for the WMC
5. Submission and approval of a Construction Environment Management Plan and a Landscape and Environmental Management Plan.
6. Submission and approval of details of internal and external boundary treatment for the site
7. Details of the responsibilities for the maintenance and management of the watercourse adjacent to the western site boundary where it falls within the application site
8. Submission and approval of full details of the proposed surface water drainage strategy for the site
9. Submission and approval of a temporary drainage plan
10. Submission and approval of a flood routing plan
11. Lockable gates to the rear of plots 74-76
12. The submission and approval of a scheme of intrusive site investigations for the mine entries and high wall including:
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
 - The undertaking of both of those schemes of intrusive site investigations;
 - The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
 - The submission of a scheme of treatment for the recorded mine entries for approval;
 - The submission of a scheme of remedial works for the shallow coal workings for approval;
 - The implementation of those remedial works.

13. Condition requiring the reporting of any unexpected contamination that may be encountered during development

14. Before development commences a report specifying the measures to be taken to protect the development shall be submitted to and approved in writing by the LPA

The report shall

- (i) Determine the existing noise climate
- (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development.
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Unless otherwise agreed in writing with the LPA the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

15. Before development commences, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the LPA. All works which form part of the approved scheme shall be completed prior to occupation of the development.

16. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number FL-PL/01 rev H and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

17. No development shall take place until a scheme detailing the proposed internal adoptable estate roads and pedestrian links to Flockton Primary school to the east and the land to the north have been submitted to 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 audits covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

18. Prior to development commencing, a detailed scheme for the provision of footway widening works and improvements to the zebra crossing on Barnsley Road with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.

19. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

20. The steps providing the access to the urban greenspace to the north are hereby not approved. Revised details to be submitted and approved in writing.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement			
Location Plan			
Site Layout Plan			
Proposed Plans & Elevations			
Landscape Masterplan			
Connectivity Plan			
Highway Improvement Plan			
Transport Assessment			
Travel Plan			
Flood Risk Assessment			
Ecology Report			
Bat Emergence Survey			
Arboricultural Report			
Geoenvironmental Appraisal			
Statement of Community Involvement			

Application No: 2016/91464

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of club with flat above*

Location: *Flockton Green Working Mens Club, Barnsley Road, Flockton, Huddersfield, WF4 4AA*

Grid Ref: 424127.0 415039.0

Ward: *Kirkburton Ward*

Applicant: *Mark Jones, Barratt and David Wilson Homes*

Agent:

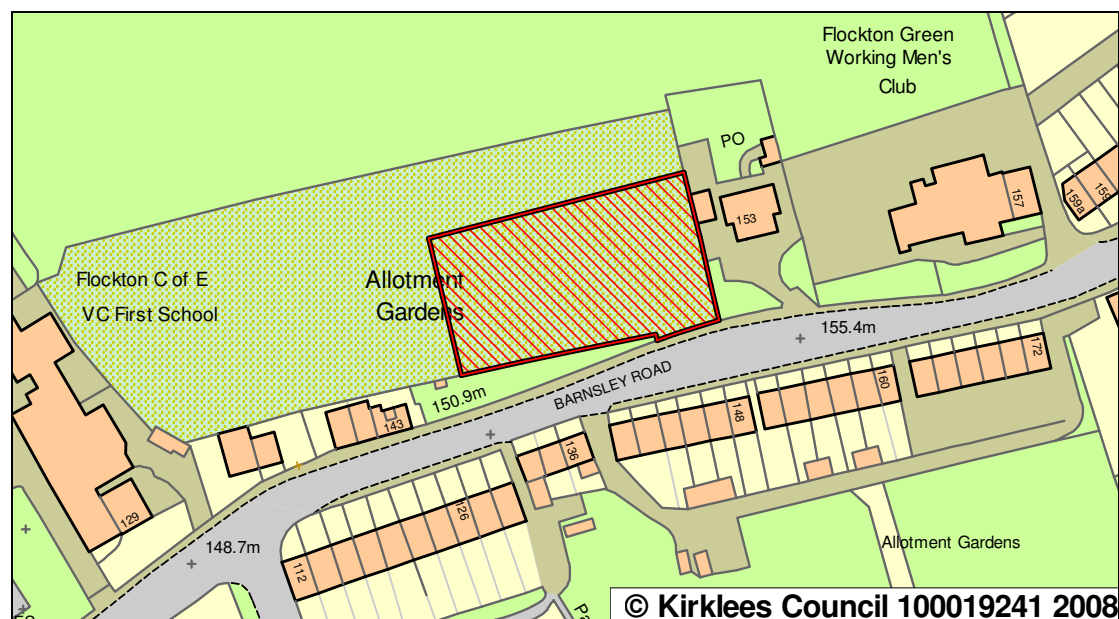
Target Date: *04-Jul-2016*

Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS*

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Community facility	
Scale of Development	Site area: 0.16 ha	
No. Jobs Created or Retained	2 full time & 2 part time jobs proposed	
Policy		
UDP allocation	Provisional Open Land (POL)	
Independent Viability Required	No	
Consultation/Representation		
Individual Support (No.)	N/A	
Individual Objection (No.)	2	
Petition	No	
Ward Member Interest	Yes	Cllr John Taylor commented in the context of application 2016/91158 for 87 dwellings on adjacent land
Statutory Consultee Objections	N/A	
Contributions	N/A	
Other Issues		
Any Council Interest?	No	
Pre-application planning advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	The principle of the development is accepted on the basis that the provision of a replacement community facility would outweigh the loss of the open land. There would be no significant detriment to residential or visual amenity and highway safety would not be unduly prejudiced.	

2. RECOMMENDATION

Grant conditional full planning permission subject to the delegation of authority to officers to impose all necessary and appropriate conditions. The conditions will deal with the matters as detailed in this report.

3. INFORMATION

The application is brought forward to Strategic Committee as the development proposed would be a departure from the Councils Unitary Development Plan (UDP).

Site Description:

The application site is roughly rectangular shaped and forms an area of overgrown land that slopes up from Barnsley Road. To the east of the site is a former post office building at 153 Barnsley Road. There are terraced properties to the south of the site on the opposite side of Barnsley Road.

Proposal:

The application seeks full planning permission for the erection of a club with flat above. The building would form a replacement for Flockton Green Working Men's Club which is to be demolished as part of a separate application for residential development.

4. BACKGROUND & HISTORY

2016/91158 Erection of 87 dwellings and demolition of existing working men's club – Reported elsewhere on this agenda

5. PLANNING POLICY

Kirklees Unitary Development Plan

D5 – Provisional Open Land (POL)
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
C1 – Community facilities
T10 – Highway safety
T16 – Pedestrian routes
T19 – Car parking standards
G6 – Contaminated land
EP4 – Noise sensitive development
EP6 – Noise generating development
BE23 – Crime prevention
R9 – Allotments

National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)
NPPF Requiring good design (chapter 7)
NPPF Promoting healthy communities (chapter 8)
NPPF Meeting the challenge of climate change, flooding (chapter 10)
NPPF Conserving and enhancing the natural environment (chapter 11)

Planning Practice Guidance March 2014

Noise

Other Guidance

N/A

6. CONSULTATIONS

KC Highways – No objections

KC Environmental Services – No objection subject to conditions

KC Strategic Drainage – No objections in principle

Coal Authority – Considers that conclusions of the geo-environmental appraisal is sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is or can be made safe and stable for the proposed development. The Coal Authority has no objection to the proposed development subject to the imposition of conditions concerning further intrusive site investigation works to establish the exact situation regarding coal mining legacy issues and any the carrying out of remedial works as necessary.

7. REPRESENTATIONS

Application advertised by site notices, press advert and neighbour notification letters.

Representations received: 2

The representations are summarised as follows:

From 146 Barnsley Road:

- Object to the proposed new access off Barnsley Road
- New access would exacerbate existing issues with noise and air pollution
- Car headlights would cause nuisance to houses opposite the access when cars are leaving at night
- Large vehicles including HGVs delivering to the club would have to go on the opposite side of the road to negotiate the entrance
- Application site is higher than the houses opposite

Flockton First School has also commented on the application and have stated that they welcome the retention and improvement of the WMC however they wish to see a graded access from the club car park into the proposed housing development, which would subsequently allow access directly into the school grounds from the housing site thus avoiding the need for parents and pupils to walk along Barnsley Road. Level access is needed to cater for parents with buggies and children/families with disabilities i.e. wheelchair users.

The school has also commented that there is no clear mechanism to ensure the retention of the existing parking agreement between the school and the WMC. It is requested that an appropriate legal agreement is put in place to ensure that the car parking agreement is secured.

Kirkburton Parish Council – *“The Parish Council has serious concerns about this application. It must be dealt with in conjunction with Application No 2016/91158 in order to ensure that safe parking facilities are provided for the school children. The Parish Council’s objections to Planning Application No 2016/91158 also apply to this one.”*

8. ASSESSMENT

General principle:

The site is designated as Provisional Open Land (POL) in the Councils UDP. The site comprises a small proportion of the POL allocation with the remainder being subject to a separate application for residential development.

Policy D5 states that “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.”

Paragraph 2.15 of the UDP advises that 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 judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.

The Local Plan will provide the evidence base for all new and retained allocations including POL. The local plan process is underway however it is not at a sufficiently advanced stage to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications must be assessed in the context of NPPF paragraph 215. In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land.

The existing working men’s club in Flockton is to be demolished as part of a scheme for 87 dwellings on the remainder of the POL allocation (2016/91158). The housing development will facilitate the erection of the proposed club through the land receipt and the provision of a serviced plot. This separate application for housing is accepted by officers and it is recommended that planning permission be granted (as reported elsewhere on this agenda).

The application for the club is necessary to realise the planning gain that will result from the housing development in terms of facilitating the erection of a modern purpose-built facility that would enhance the club's ability to meet the day-to-day needs of the local community. In this context the loss of the open land is considered to be outweighed by the community benefit of the provision of a new club. Furthermore, as the majority of the POL allocation may be developed for housing there is limited benefit in seeking to resist development on a relatively small proportion of it.

The proposal is considered to represent a community facility having regard to the definition of community facilities in the NPPF. Policy C1 of the UDP is therefore relevant. This states that community facilities should be located in accessible locations, which will normally be town and local centres. Whilst the settlement of Flockton does not have an identified local centre on the UDP Proposals Map, the development would be located broadly within the geographical centre of the settlement and also in very close proximity to the existing club. The proposal is therefore considered to be an accessible location.

The site forms part of an area that is identified as allotment gardens on the Ordnance Survey map, however it is not allocated for allotments in the UDP.

Given that part of the site was formerly used as allotments UDP Policy R9 is relevant. This policy seeks to protect allotments or land last used as allotments from development. No alternative allotment provision is being proposed as part of the development and the proposal is therefore contrary to Policy R9. Paragraph 74 of the NPPF also sets out circumstances when existing open space may be built on and the proposal does not comply with these circumstances.

The land in question is overgrown and is not currently used as allotment land. What is more, historic aerial photographs suggest that the land has not been used as allotments for a considerable period of time. For example, an aerial photograph from 2000 does not indicate any allotments laid out on the site.

The prospect of an allotment use being provided is considered to be very limited given the length of time that has elapsed since they were last used as such. The land in question is also in private ownership which further limits the prospect of allotments being provided.

Taking into account the above alongside the identified community benefit of the proposal, officers consider that the loss of the former allotment land is outweighed in this instance.

Visual and residential amenity:

The club would be located in the western part of the plot with a car park occupying the remainder of the site. The club would front onto the car park with a side elevation onto Barnsley Road. The proposal involves digging out the site and retaining walls would be formed to the front, rear and eastern side boundaries.

The proposed club has a modern design that incorporates single and two storey elements with the form of the building emphasising the sloping mono-pitch roof to each element of the building. A prominent central entrance is proposed that would be faced in artificial stone with beige render and green cladding to the walls. The roofing material is to be agreed.

The overall design of the club is considered to be acceptable. Whilst the building's appearance would be clearly distinct from that of surrounding properties it would not introduce an unduly incongruous form of development and would sit reasonably comfortably within the streetscene. The roof form and variation in height adds visual interest to the development.

A side wall of the club would face onto Barnsley Road at a distance of around 2.5 metres. This part of the building is single storey, albeit with a higher than average eaves height). Much of the site frontage would also be enclosed by a retaining wall; this would be 2.75m at the western end and would reduce down 0.4m over a distance of around 33m. The club would sit above the level of the adjacent retaining wall. This type of close built-up relationship is an established characteristic of the streetscene with some other nearby buildings either fronting directly onto Barnsley Road or being located close to the roadside. As such, and subject to suitable facing materials of the retaining wall, the scale of the development relative to Barnsley Road is considered to be acceptable.

While the principal elevation for the club fronts onto the car park, the side elevation fronting onto Barnsley Road nevertheless serves as a main elevation for the club and contains a substantial number of primary windows. This elevation also incorporates variation in its building line with elements of the side wall being set further back from Barnsley Road which adds depth to this elevation. The appearance of the building within the streetscene is therefore considered to be acceptable.

The proposed walling materials are considered to be acceptable; the mixture of materials on the building provides an aesthetic contrast and even though the materials are different to the predominant materials found on dwellings within the area they are considered to be appropriate for this form of development. The roof profile of the building is such that the roof covering will be a prominent feature and therefore a suitable material will need to be agreed. This can be dealt with by condition.

The existing working men's club lies on the other side of 153 Barnsley Road and therefore in principle a replacement club in the location proposed is considered to be acceptable in terms of the character of the area which is predominantly residential. There is already an established level of activity associated with the existing club and the amenity impacts would not materially change as a result of the development proposed.

Environmental Services have been consulted and have raised a concern with noise from the club potentially affecting future occupiers of the proposed housing development on the adjoining land. To address this concern a condition is recommended requiring details of a scheme to limit noise from the club, for example through suitable glazing and ventilation. This would also help to protect the occupiers of existing nearby dwellings. It will be necessary to limit the club's hours of operation by way of condition. The proposed opening hours are 7am to midnight seven days a week. The proposed hours will be considered in light of the club's previous opening times and the need for the club to have flexibility whilst at the same time preserving an acceptable standard of amenity for local residents.

The scheme includes a flat above the club. The occupation of the flat would be associated with the operation of the working men's club and as such there are not considered to be any significant noise implications.

Habitable windows within the proposed flat are north and south facing. The north facing windows would be towards an access road that forms part of the proposed housing development which is at a higher level to the application site. Beyond the access road is the side wall of plot 29 which is around 23m away. The south facing windows would be separated from the nearest existing dwellings by around 27m. A secondary window to a bedroom is also proposed in the east elevation and this looks onto the car park for the club. Having considered the relationship between the club and surrounding land, officers are satisfied that an acceptable level of privacy for existing and future occupiers would be provided.

The proposed club building would be closest to plot 10 on the adjacent proposed housing development. The ground floor level of the club building is the same as plot 10. The club would project beyond the rear wall of plot 10 with the rear wall of the club, including the upper floor flat, being 2m from the boundary and lying parallel with its rear garden. The rear garden of plot 10 would be split on two levels with the lower part of the garden being set down from the club site. No windows are proposed within the rear wall of the flat although there are numerous ground floor windows which would serve the function room, committee room and clubroom.

Suitable boundary treatment would screen the clubroom windows which face onto the gable end of plot 10 at a distance of 8m. The committee room windows would be 2m from the boundary and would overlook the lower part of the garden because of the difference in levels; however the use of the committee room is likely to be fairly limited and so the impact on the privacy of plot 10 would not be significant. The function room windows are more of a

concern given their likely use and it is recommended that these windows are obscure-glazed to preserve the amenity of adjacent land. The function room has a large number of windows to its remaining elevations and so the use of the room would not be compromised.

The layout shows a smoking shelter and bin store very close to plot 10 and there are concerns with this arrangement, particularly with noise and odour from the use of the smoking shelter. It is considered that an alternative location for the shelter further within the site should be found which would limit its impact on amenity. The bin store could also be relocated closer to the ramped access to increase the separation distance to plot 10. The agent has been asked to provide a revised plan to address this issue. A planning condition can cover this detail.

In summary the impact on visual and residential amenity is considered to be acceptable and in accordance with relevant policies, subject to conditions.

Highway safety:

The scheme consists of the construction of the new replacement Flockton Working Men's Club on land to the west of the existing club. The gross internal floor spaces will be slightly less than the existing (491 sqm existing and 435 sqm proposed).

The new club will be accessed directly from Barnsley Road by way of a new, purpose built access. The existing footway to the Barnsley Road frontage is proposed to be widened in the vicinity of the new access. This will result in improved visibility from the proposed access onto Barnsley Road.

The car park will provide 24 car parking spaces for the use of club members and visitors. The new club will provide a benefit for parents, carers and children traveling to the primary school who will be permitted to park in the club car park in order to drop off or pick up their children from the school; this can be controlled by condition on the separate residential application. A level access pedestrian route will be provided from the car park to the footway of the residential access road which leads to the rear access to the school.

The adjacent residential scheme will also deliver widening to the existing footway along the northern side of Barnsley Road. This will benefit parents, children and carers who choose this route when walking to and from school. The residential scheme will also provide an alternative pedestrian route to the school along the internal access roads of the residential development which avoids the need to walk along this section of Barnsley Road.

It is understood that refuse vehicles do not enter the existing club site and that bins from the club and adjacent residential properties are taken out onto Barnsley Road for collection. This will continue to be the case for the new Club and hence it is proposed that there is a bin store to the rear of the club and a bin collection area located at the front of the site.

Highways Development Management are satisfied with the access and parking arrangements for the proposed club. The development also provides good connectivity between the car park and the housing site which will benefit the school. The application accords with Policies T10 and T19 of the UDP.

Drainage:

The surface water drainage strategy for the site is allied to the drainage strategy for the housing scheme and involves a discharge to watercourse. The downstream watercourse is to be repaired as part of the housing development. The drainage scheme is acceptable in principle and full details are to be provided by condition.

Foul drainage is to connect to main sewer in Barnsley Road and is accepted.

Ecology:

The ecological appraisal accompanying the application has established that the site is of limited ecological value. As such there are not considered to be any significant ecological implications associated with the development.

As recommended in the ecological report, a precautionary approach to vegetation clearance is required to mitigate the impact on fauna with a simultaneous check for invasive species; this can be conditioned.

Biodiversity enhancement could be provided in the form of native planting as part of the soft landscaping of the site (ornamental shrub planting around carpark) and the provision of a bat and/or bird box on the new building; these matters can also be conditioned.

On the basis of the above the application is considered to comply with chapter 11 of the NPPF.

Other matters:

The Coal Authority considers that the conclusions of the geo-environmental appraisal is sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is or can be made safe and stable for the proposed development. The Coal Authority has no objection to the proposed development subject to the imposition of conditions concerning further intrusive site investigation works to establish the exact situation regarding coal mining legacy issues and any the carrying out of remedial works as necessary.

Environmental Services have also recommended that intrusive site investigations are carried out and remediation works (as may be necessary) in order to address potential contamination on the site. This can be conditioned.

Representations:

Flockton First School has commented on the application and have stated that they welcome the retention and improvement of the WMC however they wish to see a graded access from the club car park into the proposed housing development. The school has an agreement with the WMC for parents of pupils to park within the existing WMC car park at drop-off and pick-up times and it is expected that this arrangement would continue at the new club site. It is therefore important that there is a link between the carpark and the housing development to allow access directly into the school grounds from the housing site thus avoiding the need for parents and pupils to walk along Barnsley Road. Level access is needed to cater for parents with buggies and children/families with disabilities i.e. wheelchair users.

The original plans showed stepped access from the car park to the housing site however following discussions with the applicant regarding this particular issue a revised plan has been submitted which now provides a graded access. This significantly improves the connectivity between the WMC and the school site in terms of highway safety.

The school has also commented that there is no clear mechanism to ensure the retention of the existing parking agreement between the school and the WMC. It is requested that an appropriate legal agreement is put in place to ensure that the car parking agreement is secured. The use of the car park by the school can be secured via planning condition that will also be replicated on the separate application for 87 dwellings. It is expected that the level of parking would be at least commensurate to that provided at the existing WMC. This is an improvement over the existing private arrangement between the school and the existing club site.

An objection has been received from a property on the opposite side of Barnsley Road. The main concerns relate to the formation of the new access. Highway safety matters are addressed separately in this report. In terms of the amenity issues raised (noise, pollution and headlight glare) it is not considered that these considerations would be materially exacerbated by the proposed development having regard to the existing level of vehicular activity on Barnsley Road and within the vicinity of the site. The proposed building would be at least 20m away from the nearest dwelling opposite the site which provides sufficient separation distance to prevent any significant overbearing effects.

Kirkburton Parish Council has commented that there would be a loss of on-street parking on Barnsley Road because of the new access for the club however Highways Development Management has not raised any concerns in this regard.

Conclusion:

The principle of the development is accepted on the basis that the provision of a replacement community facility would outweigh the loss of the open land. There would be no significant detriment to residential or visual amenity and highway safety would not be unduly prejudiced.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation:**GRANT CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS AND ISSUE THE DECISION****Conditions may include all or some of the following matters:**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of the facing materials for the club building shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commences. The building shall be constructed of the approved materials and thereafter retained as such.
4. Full details of all retaining walls to be submitted to and approved in writing by the Local Planning Authority
5. Provision of the proposed sightlines and car park
6. A scheme detailing the proposed means of disposal of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before development commences
7. Provision of bat and/or bird boxes on the building
8. Native planting of shrubs as part of the proposed soft landscaping

9. Submission and approval of details of treatment of the eastern and western side boundaries

10. Scheme to limit noise emitting from the club building to protect the amenity of surrounding residential properties

11. No further windows in the rear elevation of the club to be formed without the prior written consent of the LPA

12. The submission and approval of a scheme of intrusive site investigations for the shallow coal workings including a scheme of remedial works for the shallow coal workings as necessary

13. Restriction on the hours of operation of the WMC

14. Details of the ramp access to the housing development to be submitted for approval

15. Revised details of the location of the proposed bin store and smoking shelter to be submitted for approval

16. Details of the timings and arrangements for the use of the car park for drop off and pick up of school children to be submitted and agreed in writing with the Local Planning Authority.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement			
Location Plan			
Proposed Plans & Elevations			
Landscape Masterplan			
Swept Path Plan			
Geoenvironmental Appraisal			
Flood Risk Assessment			
Ecology Report			
Transport Assessment			
Transport Letter			
Tree Report			
Community Engagement Statement			

Application No: 2016/90138

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for erection of residential development

Location: Land at, Lancaster Lane, Brockholes, Holmfirth

Grid Ref: 415274.0 410612.0

Ward: Holme Valley North Ward

Applicant: M Hall, Millpark Construction Ltd

Agent: ARushby, Assent Planning Consultancy Ltd

Target Date: 18-Aug-2016

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Residential (Outline Application with access the only matter applied for)	
Scale of Development	Site area: 0.44 hectares	Units: N/A
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Urban Greenspace	
Independent Viability Required	No	
Consultation/Representation		
Individual Support (No.)	N/A	
Individual Objection (No.)	15	
Petition	No	
Ward Member Interest	Yes	Correspondence received from Councillor Greaves requesting updates on the application
Statutory Consultee Objections	No	
Contributions		
• <i>Affordable Housing</i>	As required by policy - secured by S106	
• <i>Education</i>	To be provided if the total number of units exceeds 25	
• <i>Public Open Space</i>	As required by policy – secured by S106	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	The proposal is the same as a previously refused application which was dismissed on appeal. The applicant has addressed the reason for the dismissal of the appeal (affordable housing provision). Having regard to the limited value of the Urban Greenspace, on balance Officers consider that the provision of new housing in a sustainable location outweighs the loss of the open space. Officers are satisfied that an acceptable scheme can be agreed at reserved matters stage.	

RECOMMENDATION:

DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO

- i. the imposition of all necessary and appropriate conditions and the completion of the submitted S106;**
- ii. there being no substantial changes, issue the decision.**

2. INFORMATION

This application is brought to Strategic Planning Committee as the development proposed departs from the provisions of the Council's Unitary Development Plan.

3. SITE DESCRIPTION & PROPOSAL

Site Description

The application site comprises a triangular shaped parcel of land which lies between Lancaster Lane – an unmade track which forms a public right of way – and New Mill Road in Brockholes. The site comprises of overgrown brambles and scrub which slopes steeply upwards in a westerly direction from Lancaster Lane to New Mill Road.

The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map and the application site comprises the entirety of the allocation.

The site is flanked to the south by 238 New Mill Road which forms a large detached dwelling and separates the site from a parcel of grass and scrubland further to the south which is separately allocated Urban Greenspace.

Proposal

The application seeks outline permission for residential development. Access is the only matter applied for with scale, layout, appearance and landscaping being reserved.

Access for the development would be via a new road which would be formed along Lancaster Lane; Lancaster Lane forms an unmade track that carries public footpath HOL/32/30. The new access road would link to the south eastern end of River Holme View.

The agent has confirmed that the total number of units on the site is not being applied for at this stage although 22 dwellings is shown on the indicative layout plan; this is shown as 8 pairs of semi-detached houses (16 dwellings) and a small terrace of 6 flats.

4. BACKGROUND AND HISTORY

Application site:

2014/93549 Outline planning application for residential development –
Refused and appeal dismissed

The above application was refused by the Strategic Planning Committee in May 2015 for the following reason:

- 1. The proposed development would have an unacceptable detrimental impact upon the residential amenity of the residents of River Holme View due to the proximity and use of the proposed access road (Lancaster Lane). The application is therefore contrary to Policy BE1 of the Kirklees Unitary Development Plan and guidance in paragraph 17 of the National Planning Policy Framework.*

An appeal against this refusal was dismissed solely on the grounds that a planning obligation had not been provided in respect of affordable housing.

Land to the south of the application site:

2016/90146 Outline application for erection of residential development –
Refused

The above application relates to an outline application for residential development on a separate piece of Urban Greenspace that lies on the other side of 238 New Mill Road.

The following application also relates to the aforementioned site:

2014/93579 Outline application for the erection of 14 dwellings – Refused for the following reasons:

- 1. The site is allocated as Urban Greenspace on the Council's Unitary Development Plan (UDP) Proposals Map and the proposed development is contrary to Policy D3 of the UDP which relates to development on such sites. The site is considered to have ecological value as open space and as such it is not deemed to be surplus to requirements and the development is also therefore contrary to paragraph 74 of the National Planning Policy Framework. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.*

2. *The site includes Habitats of Principal Importance and functions as a habitat for a protected species. Furthermore, the location of the site and its linkages to adjacent natural areas, including land allocated as a wildlife corridor and a Special Wildlife Site on the Unitary Development Plan Proposals Map, enhances the overall biodiversity value of this site because of its contribution to local habitat networks. The development would result in significant harm to biodiversity which cannot be adequately mitigated or compensated for and as such the development is contrary to paragraph 118 of the National Planning Policy Framework which indicates that in such circumstances planning permission should be refused.*

5. PLANNING POLICY

Kirklees Unitary Development Plan

D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
BE23 – Crime prevention
T10 – Highway safety
T16 – Pedestrian routes
T19 – Parking standards
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
R9 – Allotment sites

National Planning Guidance

NPPF Chapter 4 Promoting sustainable transport
NPPF Chapter 6 Delivering a wide choice of high quality homes
NPPF Chapter 7 Requiring good design
NPPF Chapter 8 Promoting healthy communities
NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change
NPPF Chapter 11 Conserving and enhancing the natural environment

Other Guidance

SPD 2 Affordable Housing

6. CONSULTATIONS

The following is a brief summary of consultee advice. Further information is contained within the report assessment (where necessary).

KC Highways – No objection

KC Environmental Health – No objection subject to conditions.

KC Flood Management & Drainage - No objection subject to conditions.

KC Strategic Housing – There is a need for affordable housing in this area and the development should provide 30% of the floor area for affordable housing.

KC School Organisation & Planning – The threshold for an education contribution is 25 dwellings and the application is indicatively for 22.

West Yorkshire Ecology Services – No objection

KC PRoW Officer - No objection

Police Architectural Liaison Officer - No objections although some concern with the proposed 'nature trail' as shown on the indicative layout plan because it is likely to be bordered by high fencing and thus create a narrow tunnel.

7. REPRESENTATIONS

The application has been advertised by site notices, press advert and neighbour notification letters.

Representations: 15 received

The main points of objection are:

Principle of development:

- Loss of Urban Greenspace / development contrary to Policy D3 of the UDP and para.74 of the NPPF
- Loss of allotment land when there is also a demand for allotments in this area. Contrary to Policy R9
- Loss of local green space
- Brownfield land should be developed before greenfield sites such as this
- Planning permission previously refused and the applications are the same. No evidence of a S106/Unilateral Undertaking for affordable housing.
- Site is not allocated for housing in draft local plan
- Object to site not maintaining urban greenspace designation in draft local plan

Cumulative impacts:

- Impact on local infrastructure and services of this and other planned developments in the locality

Residential amenity:

- Overlooking/privacy issues; insufficient evidence submitted to demonstrate that development would not result in close overlooking
- Increased noise and light pollution

Visual amenity:

- Indicative layout is overdevelopment; density not in keeping with area
- Loss of open land
- Impact on the character of the area (infilling)

Ecological impacts:

- Loss of natural habitat
- Impact on biodiversity/wildlife including protected species
- Impact on adjacent areas which support wildlife
- Proposed nature trail is inadequate
- Updated ecology report required

Flood risk/drainage:

- Development would increase flood risk on River Holme View
- Land acts as a natural soakaway
- Overloading of drainage and sewer network

Highway impacts:

- Prejudicial to highway safety
- Intensification in the use of River Holme View, Rock Mill Road & New Mill Road
- Increased traffic and congestion on local highway network
- Impact on safety of users of the public footpath (Lancaster Lane) / Loss of Lancaster Lane as a footpath
- Highway safety implications of vehicles using the Lancaster Lane / New Mill Road junction
- Nearby caravan park has a right of access over Lancaster Lane; concerns over the practicality of controlling access

Other issues:

- Ground stability, including that of Lancaster Lane
- No provision of open space, adjacent land is not available as replacement green space
- The applicant is essentially the same as that on 2016/90146; the applications have been separated to avoid S106 contributions (e.g. education)
- Disruption from development

- Impact on local facilities and infrastructure including schools which are at capacity

8. ASSESSMENT

Background:

The application is a resubmission of a previously refused outline application for residential development. The original application was refused by the Local Planning Authority (LPA) on the grounds of the impact on the amenity of adjacent properties on River Holme View arising from activity associated with the development on Lancaster Lane. The decision was appealed and subsequently dismissed however the only reason the appeal was dismissed was because affordable housing had not been secured through a planning obligation. The Inspector did not agree with the LPA that the amenity of local residents would be unduly harmed.

The current proposal is identical to the previously refused scheme but the application is now accompanied by a draft planning obligation (unilateral undertaking) that deals with affordable housing and therefore addresses the reason for the dismissal of the appeal. The appeal decision (dated 21st December 2015) is a material consideration in the determination of this application.

General Principle:

The site is identified as Urban Greenspace on the Council's Unitary Development Plan Proposals Map. The starting point for consideration is therefore Policy D3 of the UDP.

The principle of development on the Urban Greenspace was considered by the LPA under the previous application and was found to be acceptable. In summary, it was considered that the departure from Policy D3 of the UDP and Paragraph 74 of the NPPF was, on balance, outweighed by the provision of housing in a sustainable location and the lack of a 5 year housing land supply given the relatively low value of this Urban Greenspace allocation.

Under the appeal to the previous application the Inspector did not dispute the LPA's view on this issue.

The site previously contained allotments and therefore Policy R9 of the UDP is also applicable. This policy seeks to retain allotments as undeveloped land unless replacement allotments of equivalent community benefit are provided or it can be demonstrated that there is no unsatisfied local demand for allotments.

Whilst alternative allotment land was not being provided as part of the previous application and there was evidence of some local demand for allotments, officers considered that the loss of the allotments was outweighed by the provision of housing in a sustainable location. This took into account

the considerable length of time which had passed since the allotments were last used as such and the limited prospect of the land being brought back into allotment use in the future. The appeal Inspector also concluded that the loss of the allotments was acceptable.

There has not been any material change in circumstances since the appeal decision that would lead to a different conclusion being reached on the issue of the principle of development on the Urban Greenspace and former allotment land. It therefore stands that the principle of development is acceptable.

Impact on visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. The scale, appearance, layout and landscaping of the development are reserved matters are not therefore under consideration although an indicative site layout plan and indicative site sections have been provided.

The development would border an existing residential development on River Holme View which was built sometime around the early 1990s. The indicative site layout shows 10 semi-detached dwellings and a block of flats set around a 'T' shaped estate road off Lancaster Lane with 6 semi-detached houses further to the north each taking access directly off Lancaster Lane. The site comprises an area of around 0.44 hectares and the application indicatively shows a total of 22 dwelling units which equates to a development density of 50 units per hectare.

The residential development comprising River Holme View is made up of a mixture of dwelling types. Two storey detached dwellings predominate but there are also some terraced and semi-detached properties and detached bungalows. There is variation within the design of the dwellings on River Holme View but pitched roof gables are a characteristic feature. This existing development is constructed of stone with concrete tiles to the roofs.

The proposal would effectively form an extension of the existing River Holme View development by infilling a wedge of land between River Holme View and New Mill Road, albeit the proposed development would be set higher up than the existing residential estate which occupies the flatter valley floor.

The indicative density of the proposed development is significantly greater than that of River Holme View and it is considered that 22 units on the site would not be in keeping with the urban grain of the surrounding area and would amount to overdevelopment. It is considered that the indicative number of units is not acceptable however the amount of development would be considered at reserved matters stage. Officers are satisfied that an

appropriate layout can be achieved having regard to the urban grain and character of the surrounding area. It is to be noted that the layout will be based around the access as proposed.

Given the mixture of property types in the vicinity, particularly on River Holme View, this provides flexibility on the type of housing which could be accommodated on the site. The indicative site layout shows mainly semi-detached housing. Semi-detached houses would be in keeping with the character of the surrounding area because there is some semi-detached housing on River Holme View and also immediately opposite the site on New Mill Road. Flats/apartments are not evident in the immediate vicinity but if the scale of the block of flats was in keeping with the prevailing character of surrounding buildings then there would not be any undue harm to the visual amenity of the area.

Indicative site sections have been provided; these show a row of development adjacent to Lancaster Lane broadly on the same level as one another and slightly elevated to Lancaster Lane with the remaining development which is closer to New Mill Road being on a higher level. The sections and Design and Access Statement suggest that the properties would be two storeys in height. The information demonstrates that a stepped profile would exist between existing and proposed development with the properties on New Mill Road being on the highest level with the proposed dwellings in the middle and the adjacent properties on River Holme View set down from the application site. Officers are satisfied that dwellings of an appropriate scale which respect the topography of the site and surrounding development can be accommodated without having any significant detrimental impact on visual amenity.

The visibility of the site from the east would be relatively limited because the site falls away from New Mill Road and when viewed from other directions the proposal would be seen in the context of River Holme View.

It is considered that an acceptable design could be achieved which respects the prevailing local vernacular. Facing materials are to be agreed at reserved matters stage but materials that in keeping with those on River Holme View are likely to be the most appropriate.

The visual amenity value of the open land is considered to be limited and as such developing this wedge of land for housing would not materially harm the character and appearance of the surrounding area. There is no overriding reason to seek to retain a buffer between River Holme View and New Mill Road and this is a view which the Inspectors applied when considering the nearby piece of Urban Greenspace to the south at the UDP inquiry and appeal to application 98/91665.

In conclusion, the indicative information demonstrates that an acceptable scheme can be agreed subject to the amount of development on the site. The application accords with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Residential amenity:

The previous application was refused by the Strategic Committee on the grounds of residential amenity.

The development would result in a formalised carriageway immediately to the rear of the properties on River Holme View which abut Lancaster Lane and lie immediately to the west of the application site. Lancaster Lane abuts the rear gardens of these properties and some of these gardens, mainly those further to the north, are set down from Lancaster Lane with a retaining wall along their rear boundary. The finished levels of the proposed access road would utilise the existing ground levels and the access road would not be built up above the level of Lancaster Lane as it currently stands.

The previous application was refused because there were concerns that the provision of a formalised carriageway to serve the development and the activity it would generate would alter the character of Lancaster Lane. The proximity of the lane to the adjoining rear gardens and the comings and goings associated with the development would give rise to an unacceptable detrimental impact on the amenity of adjoining properties.

This matter was considered in detail by the appeal Inspector who concluded that “the proposed access road would not have an unacceptable effect on the living conditions of nearby residents in respect to noise and disturbance”. The Inspector was also satisfied that “the introduction of street lighting into the appeal site would not have an adverse effect upon living conditions of local residents” and in any event a planning condition requiring details of the lighting scheme could be imposed in order to safeguard living conditions. The Inspector also commented that “whilst the headlights of vehicles using the proposed access road could cause spill/glare to neighbouring dwellings, any such effect would be limited due to the low levels of traffic generated”. A planning condition was suggested to secure the provision of a suitable boundary treatment between the appeal site and the dwellings on River Holme View to protect residents from glare/light spill.

In light of the appeal decision, officers conclude that the impact on residential amenity arising from the proposed access is acceptable.

Policy BE12 of the UDP sets out the Councils policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.

The indicative layout plan demonstrates that Policy BE12 can be satisfied in respect of the neighbouring properties on River Holme View. These adjacent properties are at a lower level and include bungalows and two storey houses. Minimum separation distances are achievable to the rear gardens of these properties and distances which meet or are in excess of the minimum requirement are achievable between habitable windows. Existing and new boundary treatment would also provide a degree of screening to the adjacent dwellings on River Holme View. It is considered that an acceptable development can be provided which would not prejudice the amenity of the properties to the west.

Officers have concerns with the relationship between the semi-detached properties in the south west corner of the site and 238 New Mill Road; this existing dwelling has a small number of windows in its rear elevation (which do not appear to be main windows) and an elevated patio area to its western gable. Habitable windows in the rear of the dwellings in the south west corner of the site, particularly at first floor level, would not meet Policy BE12 standards and would give rise to overlooking which would prejudice the amenity of the occupiers of 238 New Mill Road and the future occupiers of the dwellings. Design and layout are reserved matters and this relationship will have to be considered and addressed as part of a future application.

The development would not have any significant impact on the properties on New Mill Road given the difference in levels and separation distances. Minimum separation distances internal to the site are considered to be achievable.

Highways issues:

Access to the site is via River Holme View and Lancaster Lane. Lancaster Lane forms an unmade track which is a public footpath (HOL/32/20). It is proposed to create a carriageway along Lancaster Lane to serve the proposed development and this would join the turning head at the end of River Holme View. The site falls steeply from New Mill Road down to Lancaster Lane and structural engineering measures may be required to ensure that the public highway above is not compromised.

The application seeks to determine access and an indicative site layout for 22 dwellings has been submitted. The application is supported by a Transport Statement (TS) and an addendum to that statement; these were also submitted under the previously refused application.

The TS was previously accepted by Highways Development Management and no objections were raised on highway safety grounds. The TS considers traffic generation both on completion of the development and in the year 2022. It also considers the cumulative traffic impact of other developments in the area on the junction of the A616 New Mill Road and Rock Mill Road. These tests show that the junction has the capacity to accommodate this and other committed developments.

In terms of accident potential there have been only 2 recorded injury accidents at the Rockmill Road /A616 new Mill Road junction in the last 5 years, so it appears that there are no underlying road safety issues on the connecting junctions.

Highways Development Management generally concurs with the findings of the Transport Assessment and supporting addendum and considers that the proposed development is unlikely to have any significant detrimental impact on highway capacity and safety. The application is therefore considered to comply with Policy T10 of the UDP.

Conditions are recommended in relation to details of the proposed internal adoptable estate roads including any works to the public footpath. In addition, a condition detailing measures to restrict vehicle access to New Mill Road via Lancaster Lane is necessary because this junction is substandard for vehicle use.

It is to be noted that the appeal Inspector did not consider there to be any significant highway implications associated with the development. The Inspector was also of the opinion that matters relating to the stability of the public highway and restricting direct vehicle access between Lancaster Lane and New Mill Road could be dealt with by conditions.

Ecological issues:

Chapter 11 of the NPPF advises that the planning system should contribute to and enhance the local environment. This should be done by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimising impacts on biodiversity (and providing net gains in biodiversity where possible) contributing to halting overall decline in biodiversity (including by establishing coherent ecological networks) and addressing issues of pollution (paragraph 109).

Paragraph 118 of the NPPF states that “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

An up-to-date ecological survey of the site was submitted during the course of the application along with a separate report that relates to a specific protected species. The reports have been independently assessed by West Yorkshire Ecology Service who have advised that they raise no objections to the application. It has been recommended that the habitat mitigation and enhancement measures as detailed in the ecology report are secured by condition. Subject to such conditions the application satisfies chapter 11 of the NPPF.

The layout of the site will be determined as a reserved matter but this will need to have due regard to permeability through the site for wildlife. The 'nature trail' as indicated on the indicative site layout plan would not have any meaningful benefit for biodiversity but some alternative provision of natural space within the layout would be appropriate.

Flood risk and drainage issues:

The site is within a low flood risk area. Kirklees Flood Management & Drainage has not raised any objections to the principle of the development. The application indicates that surface water will be disposed of by soakaway and this is acceptable in principle. A condition regarding full details of the disposal of surface water is necessary.

Yorkshire Water did not raise any objections to the previous application and it is considered that their previous comments remain applicable to the current application.

It is to be noted that the appeal Inspector did not raise any significant issues with flood risk and was satisfied that drainage matters could be dealt with by condition.

Trees:

There are no trees on site which are considered to be worthy of preservation.

Contributions:

Affordable housing:

In accordance with Policies H10 & H12 of the UDP, guidance contained within SPD2 and national Planning Practice Guidance, the provision of affordable housing is a material planning consideration and would be applicable to this development. As this is a greenfield site, the contribution would normally be 30% of the total floor space of the development. A draft S106 has been provided which makes provision for this requirement. This addresses the reason for the dismissal of the earlier appeal.

Public Open Space (POS):

Policy H18 of the UDP requires the provision of POS on sites put forward for housing development which are over 0.4 hectares. The site area is approximately 0.44 hectares and therefore the requirements of Policy H18 apply.

A full off-site contribution would be needed in this instance because there is no scope to provide on-site POS based on the indicative layout. A draft S106 has been provided which secures a POS contribution; the POS will be dependent on the total number of dwellings/floor space.

Education:

Based on the indicative layout the development does not trigger a contribution towards education provision although the draft S106 allows for a contribution in the unlikely event that a scheme for 25+ dwellings was accepted at reserved matters.

Crime Prevention:

Consideration of specific Crime Prevention issues will need to be given at Reserved Matters stage in respect of site layout and design. The 'nature trail' through the site as shown on the indicative layout has been raised as a concern by the Police Architectural Liaison Officer because it is likely to be bordered by high fencing and thus create a narrow tunnel. The 'nature trail' would not be approved as part of this application because it would form part of the 'layout' which is reserved for future approval.

Air quality:

NPPF Paragraph 109 states that "the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

Other matters:

The site is not recorded as potentially being contaminated however given the number of dwellings that the site could potentially accommodate it is considered prudent to impose conditions requiring the carrying out of contaminated land investigations and remediation if necessary.

Objections:

The main issues raised in the representations relate to the principle of development, visual amenity, residential amenity, highways concerns, flood risk and ecological issues. These matters have all been addressed separately within this report.

Comments have been made regarding the inadequacy of local infrastructure and services within the locality to support the new housing proposed. Specific mention has been made to the highway network and school places.

With regard to physical infrastructure, no objections have been raised by relevant consultees. With regard to schools, based on the indicative number of dwellings the application is below the threshold when a contribution towards education is triggered.

Issues of ground stability can be fully addressed by conditions and the appeal Inspector concurred with this view.

Comments have been made in respect of the ownership of the application site and the ownership of a separate parcel of land just to the south which is the subject of separate outline application for residential development (reference 16/90146). It has been stated that the two applications are essentially one because the owners of the two sites are part of the same family and it has also been pointed out that the submitted highway layout plan includes both sites. It is suggested that the applications have been 'split' to avoid S106 contributions.

Officers are aware that there is a close association between the land owners on both applications and there is a physical connection between the developments because of the proposed River Holme View / Lancaster Lane road junction. Nevertheless, there has not been any procedural breach of planning regulations with regards the format in which the two applications have been submitted.

With regard to the S106 contributions, the respective sites would each trigger an affordable housing contribution subject to the final number of dwellings being 10 or above on each site. Both sites also trigger a POS contribution in their own right because the respective site areas are above the 0.4 hectare threshold. Based on the indicative layouts for both sites (which show 22 dwellings and 14 dwellings respectively) the developments would not trigger an education contribution on their own because they are below the 25 dwelling threshold; the combined number of dwellings across the sites would however trigger a contribution. Nevertheless, it is not possible for the LPA to require both schemes to come forward as a single application and a planning application could not be refused on this basis.

Issues have been raised with the status of the land in the draft local plan. One of the objections takes issue with the land no longer being allocated as Urban Greenspace and another highlights the fact that the land is not one of the allocated housing sites in this area. At this stage no significant weight can be attached to the draft local plan and the application must be determined on its own merits having regard to the UDP, NPPF and other material considerations. The points raised in relation to the draft local plan do not therefore materially alter the assessment.

Conclusion:

The application is the same as a previously refused application for residential development on the site that was subject to an appeal. The appeal was dismissed but the reason for the dismissal (absence of a planning obligation to provide affordable housing) has been addressed through the current submission. The council's refusal of the application on residential amenity grounds associated with the creation of a carriageway on Lancaster Lane was not upheld by the Planning Inspectorate.

Having regard to the specific value of the site as Urban Greenspace Officers consider that the benefits of the development, in terms of the provision of housing in a sustainable location, outweigh the loss of the open space and the requirements of paragraph 74 of the NPPF and justifies a departure from Policy D3 of the UDP.

The proposed access arrangements would not result in any significant harm to highway safety or residential amenity and Officers consider that an acceptable scheme can be agreed at reserved matters stage for the scale, appearance, layout and landscaping of the site which would not be prejudicial to the amenities of the area.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO

i. the imposition of all necessary and appropriate conditions and the completion of the submitted S106;

ii. there being no substantial changes, issue the decision.

Conditions may include some or all of the following:

1. Approval of the details of the scale, appearance, layout and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance, layout and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. Details of 'scale' submitted pursuant to condition 1 shall include details of: the existing site levels; the finished floor levels of each dwelling together with corresponding finished ground levels.
6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

13. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

14. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers and water main, which cross the site boundary.

15. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained.

16. Details of a scheme for the provision of bird and bat boxes to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings are first occupied. The approved bat and bird boxes shall be provided before any of the dwellings to which they relate are first occupied and shall be retained thereafter.

17. No development shall take place until a scheme detailing the proposed internal adoptable estate roads including works to the public footpath and measures to restrict vehicle access to New Mill Road via Lancaster Lane have been submitted to 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. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

18. No development shall take place until the design and construction details of all temporary and permanent highway retaining structures within the site have been approved in writing by, the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works and removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highway, footpath and retaining wall. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so retained thereafter.

20. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

21. Notwithstanding the requirements of condition 1 pertaining to the 'landscaping' of the site, details of the treatment of the site boundary between Lancaster Lane and the adjacent residential properties on River Holme View shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The boundary treatment shall be designed to limit light spill into the adjoining gardens. The boundary treatment so approved shall be provided before the development is first occupied and thereafter retained.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement	-	-	20/1/16
Highway Statement	773A	-	20/1/16
Addendum to Highway Statement	926A	-	20/1/16
Vehicle Tracking Plan	926 / 01	-	20/1/16
Location Plan	-	-	20/1/16
Indicative Site Layout	Drawing no. 1 Rev A	-	20/1/16
Indicative Site Sections	Drawing no.5 Rev A	-	20/1/16
Highway Layout Plan	926 / 01 / Rev A	-	20/1/16
Ecology Report	Prepared by Middleton Ecological Consultancy Dated 15/11/14	-	20/1/16
Ecology Report	Prepared by Keystone Ecology Dated March 2016	-	19/5/16
Confidential Protected Species Survey	Prepared by Keystone Ecology Dated March 2016	-	19/5/16
Draft Unilateral Undertaking	-	-	5/5/16

Application No: 2014/91831

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for erection of 60 dwellings, formation of access public space and associated infrastructure

Location: Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH

Grid Ref: 418289.0 418029.0

Ward: Dalton Ward

Applicant: P Cryan, Hartley Quality Homes

Agent: Laura Mephram, John R Paley Associates

Target Date: 15-Sep-2014

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Residential	
Scale of Development	1.99ha	
No. Jobs Created or Retained	N/a	
Policy		
UDP allocation	Provisional Open Land (POL).	
Independent Viability Required	Yes	
Representation/Consultation		
Individual Support (No.)	Nil	
Individual Objection (No.)	84	
Petition	Yes	130 signatures.
Ward Member Interest	No	
Statutory Consultee Objections	None	
Contributions		
• Affordable Housing	12 units (20% of number of units)	
• Education	£160,349	
• Public Open Space	On site POS + £28,545 to improve POS off site	
• Other		
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	The application site is allocated as POL, given that the Council is unable to demonstrate a 5 year supply of deliverable housing land there is no objection in principle to the residential use of the site access to the site is also satisfactory.	

RECOMMENDATION:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

1. REFER THE APPLICATION TO THE HEALTH AND SAFETY EXECUTIVE UNDER SECTION 9 OF THE PLANNING PRACTICE GUIDANCE NOTE. SHOULD THE HEALTH AND SAFETY EXECUTIVE NOT INTERVENE THEN:
2. SECURE A SECTION 106 OBLIGATION TO DELIVER:
 - THE PROVISION OF AFFORDABLE HOUSING
 - AN EDUCATION CONTRIBUTION
 - POS ON SITE AND A FINANCIAL CONTRIBUTION TO IMPROVE OFF SITE POS

3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE BELOW; AND

4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION ISSUE THE DECISION NOTICE

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Councils Scheme of Delegation as the proposal represents a departure from the Council's Unitary Development Plan and the number of dwellings proposed is 60.

This application was deferred at the Strategic Committee on 14th July, to obtain additional information on the coal mining legacy at the site.

The Desk Top Survey that was originally received identified the presence of coal, and possibly worked deposits on this site. This was an acceptable document to both the Coal Authority and Environmental Health for the purposes of an outline planning permission, and standard/ appropriate conditions were recommended.

Subsequently as per Committees request an Intrusive Coal Mining Investigation has been undertaken on this site for the purpose of confirming the presence/ absence of workable coal within the influence distance of the surface, and the need for drilling and grouting.

13 rotary boreholes were drilled at the site by the applicant to depths of between 3m and 18m below existing ground levels. The investigation was designed, organised and supervised by the applicant's consultants, and boreholes were logged by both the Engineer and the lead driller on site. As part of the wider intrusive investigation on this site, the applicant's consultants carried out trial pits and cable percussive boreholes. The trail pit and bore hole plan will be available at Committee should Members wish to view the locations of the site investigation works.

All rotary boreholes proved sandstone bedrock at a depth of between 0.6m and 1.4m, with the exception of borehole R05, which proved coal at a depth of 1.2m to 2m, and then sandstone bedrock below 2m.

In most rotary boreholes, a coal seam (interpreted to be the "Better Bed") was encountered, between 0.2m and 2.2m in thickness, and at a depth of between 1.2m and 7.2m. The depth of this coal generally increased from northwest to southeast. The much reduced thickness of the coal seam towards the west is probably due to it nearing the surface and its outcrop in these areas, with a consequent higher degree of weathering.

A coal seam (probably also the “Better Bed”) was encountered in two trial pits in the north of the site, between 0.2m and 0.3m thickness, and at a depth of between 1.8m and 1.3m, respectively. Boreholes R01 and R10 were drilled on the eastern part of the site, where ground levels rise up toward Cockley Hill Lane. This area is to the northeast of an area of backfilled opencast workings. The boreholes revealed workings in the Better Bed seam, comprising broken ground (partial voiding with a loss of flush and no returns), at 10.7m (with a thickness of 2.6m) in R01 and at 14.0m (with a thickness of 2.1m) in R10. Underlying the workings, hard strata were proven to 18.0m and 15.0m depth, respectively. There were no returns from the hard strata below the broken ground.

Backfilled former opencast workings were proven in the south of the site by means of two cable percussive boreholes which bottomed the backfill materials at 4.7m (CP1) and 7m (CP2). The base of the Better Bed seam was proven in R05 to be at 2m, and in R02 to be at 4m, which corresponds in depth to the base of the adjacent opencast workings. In boreholes RO2, RO4, RO5, RO8, and RO9, intact coal was encountered, with no indication of workings. No other coal seams were encountered during the rotary borehole investigation. No evidence of mine entries (shafts or adits) were encountered during the site investigation. However, the surface area of investigation locations is very small in proportion to the total site area, and this does not guarantee the absence of mine entries. The proposed planning condition would cover this unexpected situation arising on site and require further investigations should any mines be discovered during the construction phase.

The rotary drilling Investigation confirmed underground workings the Better Bed seam in the east of the site, to the northeast of recorded opencast coal workings in the same seam. In the construction industry it is generally accepted that, unless there is at least 10 times the seam thickness of rock cover above any workings, they have the potential to adversely affect ground stability on the site. On this basis, it is considered that there is a risk to ground stability for future development, from underground workings.

It is anticipated that, in the east of the site, workings below future building footprints, roads and drives will require treatment on a 3m by 3m grid, using drill and grout techniques. Further west, there was no indication of the seam having been worked, but this should be confirmed by drilling initially on a wider spaced grid (recommended at 9m by 9m) as part of the drilling and grouting works. If any workings are identified on other areas, these should also be drilled and grouted on a 3m grid.

The applicant’s site investigation report notes there is a slight possibility of localised opencast coal excavations, bell pits, and mine entries. It recommends that an Engineer is consulted by the contractors to inspect the ground surface following the topsoil strip, to check for any signs of such features. It also recommends that the foundation excavations should also be inspected by an Engineer.

Where grout treatment has been carried out, (in areas where strip/trench fill foundations are acceptable which will be dealt with by Building Regulations outside of Planning) the report recommends it is necessary to provide a 300mm thick footing reinforced with two layers of B503 mesh.

In light of the above it is considered that the proposal to use a grout technique to fill any voids or unexpected mines is a suitable solution to allow the construction of the site to occur.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The site comprises an area of 1.99 ha and is located to the west of Cockley Hill Lane. It is flanked on 3 sides by existing dwellings on Cockley Hill Lane and Town Road.

The site has frontage onto Cockley Hill Lane and slopes down from Cockley Hill Lane to the Western boundary. The site is green field and there are a significant number of trees particularly along the western edge of the site. These trees are protected by a Tree Preservation Order.

The site is allocated as Provisional Open Land (POL) in the Councils Unitary Development Plan. The open land to the south of the site is allocated as Green Belt.

Proposal

Outline planning permission is sought for residential development with access applied for. The application is supported by an indicative layout illustrating how 60 dwellings could be accommodated, with a mix of detached, semi-detached and terrace properties. The access is proposed off Cockley Hill Lane, with the indicative layout showing a loop system and a cul de sac, with an area of public open space to the bottom end of the site i.e. close to and incorporating the majority of the protected trees.

4. BACKGROUND AND HISTORY

2014/60/92535: Outline application for 49 dwellings and access and associated infra structure. Land off Shop Lane, Kirkheaton (this includes the former Huddersfield Fine Worsteds site)

- Application still to be determined and is on this agenda.

2015/60/90430: Outline application for residential development (indicative no of dwellings 126), formation of access and associated infra structure. Land to the north and south of Crossley lane, Dalton.

- Committee resolution to grant outline planning permission subject to S106 obligation.

5. PLANNING POLICY

Kirklees Unitary Development Plan:

D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
G6 – Land contamination
H10 – Affordable housing
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards

National Planning Policy Framework:

Part 4. Promoting sustainable transport
Part 6. Delivering a wide choice of high quality homes
Part 7. Requiring good design
Part 8. Promoting healthy communities
Part 10. Meeting the challenge of climate change, flooding and coastal Change
Part 11. Conserving and enhancing the natural environment

Other Policy Considerations:

SPD 2 Affordable Housing

6. CONSULTATIONS

KC Highways – No objections recommend conditions should permission be granted

KC Environmental Health – Recommend conditions should permission be granted

KC Trees – No objections in principle. Recommend conditions; a number of the units illustrated will need to be re sited to avoid the crown spreads of 2 of the protected trees.

KC Environment Unit – The ecology survey has established that the majority of the site is agriculturally improved grassland of limited ecological value; there is a marshy area in the bottom of the field and a number of mature trees that aside from being protected, would have some foraging value for bats and possibly bat roost potential; the development is unlikely to impact on great crested newts. The survey also identifies a series of recommendations intended to avoid adverse impacts and provide enhancements for biodiversity.

The conclusions of the report are accepted. Whilst this is an outline application, the marshy area and mature trees should be retained within any future layout as they represent the area with most biodiversity value and potential.

KC Strategic Drainage – There will need to be conditions imposed to ensure that there is no increase in surface water run-off and sustainable drainage options will need to be considered in preparing the drainage strategy for the site. This will need to be adequately informed by a comprehensive survey of the existing drainage systems within and surrounding the site. These matters will be the subject of condition.

KC Strategic Housing – There is a demonstrable need for affordable housing in the area, and as a green field site would recommend that 30% of floor space be provided.

KC Recreation and Parks – the area of POS shown within the illustrative layout is satisfactory. This together with a financial contribution of £28,545, towards improving existing POS in the area would satisfy policy H18. This area of POS and any financial contribution should be secured would need to be secured and maintained as part of a Section 106 Agreement

KC Education Services – An education contribution is required in this case. The required amount is £160,349

Environment Agency – No objections subject to conditions

Yorkshire Water Authority – No objections subject to conditions. (Warn that the illustrative layout conflicts with some of the sewer alignments on the site. NB This application is for access only; layout will have to be considered as a reserved matter.)

Coal Authority – the site has been identified as having been subject to previous mining activity, as such this is a Material Consideration. Raise no objection subject to the imposition of conditions.

The Coal Authority are being re-consulted on the Intrusive Survey. Their written response has not yet been received and will be brought to Committee through the Update. The Coal Authority have advised verbally however they have no objection to the scheme. Their original response to the application has been reconfirmed which stated that the Investigation Report

“..is sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site can be made safe and stable for the proposed development.”

Police Architectural Liaison Officer – No adverse comments to the granting of permission. This is an outline application and a Reserved Matters application will be scrutinised when received.

Health and Safety Executive – As the site is within the middle zone of the Syngenta Hazardous Substance Installation, advise against the development on health and safety grounds.

Note: Should the Council seek to approve this application, it will need to be referred to the Health and Safety Executive to see if they wish to call the application in.

7. REPRESENTATIONS

The application has been publicised by site notices and neighbour letters. 84 letters of objection have been received together with a petition of 130 signatures. The main points of concern being:

1. The site is allocated as Provisional Open Land on the Unitary Development Plan, and therefore the proposal is contrary to policy D5
2. There are other brownfield sites within the area that are owned by the applicant that should be brought forward before any green field sites are developed. This is in accordance with the guidance contained in the NPPF, which recommends the recycling of brown field sites in advance of green field.
3. The local infrastructure is unable to cope with any additional development. The local schools are oversubscribed and there are difficulties obtaining doctors and dentist appointments.
4. The application fails to make any provision for affordable housing, which is contrary to Council policy H10 and SPD 2 which requires 30% provision on a greenfield site.
5. There are on site problems regarding drainage, and underground coal deposits.
6. The site is an important area for wildlife, containing bat colonies, and great crested newts. The development of this site would be harmful to these habitats.
7. The development of the site would result in an adverse effect on the appearance and distinctive character of the village, and be contrary to Policy BE1 of the Unitary Development Plan.
8. The development of the site would result in adverse effect on the residential amenities of the adjoining properties, including loss of privacy and nuisance
9. Concerns at the access arrangements. The proposed access is unacceptable, and the level of traffic using the access off Cockley Hill Lane is excessive, and will result in traffic hazard. There have been a number of accidents in the last few years close to this proposed access point.
10. The surrounding road network is full to capacity already, and the additional development, together with neighbouring sites that are also the subject of applications, is not sustainable in traffic terms and will result in extra congestion and traffic delays.
11. The density proposed ie 60 units is excessive and does not accord with the level of development deemed to be acceptable by the Health and Safety Executive.

YETTON Together:

YT has produced a community plan following public consultation with the support of Rural Action Yorkshire and the Parish Council:

1. The majority view of respondents (26% response rate) was that any new development should be biased towards starter homes / affordable housing, with little desire or identified need for any further executive housing.
2. Concern was expressed about the 3 derelict brown field sites within the village especially Huddersfield Fine Worsteds and that these sites should be prioritised before any other development is considered.
3. The proposed siting is particularly ill-considered. This is a site of considerable historic importance and cannot be replaced, or compensated for when considered from a viewing point on Cockley Hill Lane seating area.
4. The proposed design and layout is out of character with Kirkheaton.
5. There are flooding and drainage problems on this site.
6. There is a large colony of great crested newts just 450m away.
7. There would appear to be no concern shown for the important visual aspects of the tree line at the bottom of the site.

As an alternative to this proposal YT would support the redevelopment of the Shop Lane site, and have raised no objections to the development of the Crossley Lane sites at the bottom of the village (both brownfield sites).

Barry Sheerman MP:

I am objecting to this application on behalf of several of my constituents as MP for Huddersfield. Where there are more suitable sites, i.e. brownfield development sites available to meet housing needs, these should be developed in the first instance. It is my understanding that the applicant actually owns a brownfield site close to the green field site. The site itself is former pasture land where cattle still graze on occasion. Additionally there are ground nesting birds and a colony of bats, whom inhabit the space. I hope that a full Environmental Impact survey will be sought in order that the extent of the sites bio diversity can be considered fully at such time as the scheme is brought to Committee.

8. ASSESSMENT

General principle/Policy:

The application site is allocated as Provisional Open Land (POL) which is subject to Policy D5 of the Unitary Development Plan (UDP).

Policy D5 states that “ *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.*”

The weight that can be attributed to policy D5 in determining applications needs to be assessed in the context of the National Planning Policy Framework (NPPF) paragraphs 215 and 49.

In the context of paragraph 215 the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The weight that can be given to policy D5 in these circumstances was assessed in October 2010 by a planning inspector in his consideration of an appeal against the refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (Ref: APP/Z4718/A/13/2201353).

The Inspector concluded that “The lack of a 5 year land supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it too is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement that there be a review of the plan before the land can be released. In these cases the Frameworks presumption in favour of sustainable development is engaged.”

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out of date, planning permission should be granted *“unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against this framework as a whole, or that specific NPPF policies indicate development should be restricted”*.

(Footnote 9: lists examples of restrictive policies but this does not include policies concerning safeguard land.)

Paragraph 14 of the NPPF indicates a presumption in favour of sustainable development, and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, if the Council is unable to identify a 5 year supply of deliverable housing sites.

The Council is currently unable to identify a 5 year supply of deliverable housing sites.

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the benefit of providing housing on this green field site is considered to outweigh the environmental harm arising from this development.

The development proposed will represent a significant housing offer for the village and it is also eligible for the consideration and provision of affordable housing.

The Strategic Housing Market Assessment ('SHMA', October 2015) provides an analysis of the objective need for housing in Kirklees as required by the Government. The SHMA concludes that 1049 new affordable homes per year are required to 2031 and it has provided an assessment of the need for general needs and specialist housing. This site has relevance to the south Huddersfield and rural south east market areas and the scheme provides a broad mix for the commercial market.

The local need is for larger (3+) bedroom homes and for smaller homes, which can help smaller households and older people; this older persons' sector is forecast to grow by 44% by 2031. Consequently this development could provide an opportunity to secure an element of affordable rented/intermediate housing.

The development provides an opportunity to consider an affordable housing arrangement which could be developed at a specific point or phase in relation to the principal development site, and thus development could be structured to secure predicted cash-flow, delivery and partnering arrangements to minimise the impact on the principal development scheme.

Viability:

This application has been submitted with a viability appraisal. In accordance with the Councils agreed procedure the appraisal has been independently assessed on behalf of the Council.

For information given the size of the site and the number of dwellings envisaged, policy compliant Section 106 contributions would comprise:

- Affordable Housing at 30% of gross floor space
- Provision and maintenance of public open space as indicated on the illustrative layout in accordance with Policy H18; and
- Education Contribution of £160,349

The viability appraisal identifies significant abnormal costs associated with the development of the site, in particular the cost of addressing the coal mining legacy and remediation on site, such that the development could not support the provision of affordable housing and deliver an acceptable land value to the landowner.

Notwithstanding, the applicant offered a contribution of £100,000 towards meeting the above policy requirements.

The appraisal has been independently assessed and the Council has also sought further advice from the District Valuer (DV) in relation to the viability position. The DV concludes that the development can sustain contributions towards affordable housing, education, and POS.

Negotiations have been undertaken with the applicant and an amended offer has been made which is:

- A 20% affordable housing provision. This equates to 12 units with a mix of 55% (7units) for social rent and 45% (5 units) for intermediate dwellings;
- An Education contribution of £160,349;
- POS provision on site and a contribution of £28,545 to improve existing off-site POS

The DV has considered the amended offer and advises that it has improved significantly from the original position. Assuming a developer profit of 20% GDV the development can afford to deliver the new offer which has been justified through the development appraisal.

As such acceptance of the amended /improved offer is recommended, with the contributions to be secured via a Section 106 agreement.

Impact on amenity:

The illustrative layout shows a development of 60 units on a site of 1.99ha, (i.e. a density of 30 dwellings per ha). This is considered to be an efficient use of the site and represents a density that is appropriate for this area and comparable with neighbouring developments. The indicative layout shows a mix of 3 and 4 bed dwellings, semi-detached, terrace and detached properties, between 2 and 2.5 storey in height. The mix of dwellings and the scale / height envisaged are considered to be satisfactory within this location.

This application is in outline with layout, appearance, scale and landscaping reserved for subsequent consideration. However the indicative layout shows how a scheme which respects the residential amenity of neighbouring properties on Cockley Hill Lane and Town Road can be achieved, respecting the change in level across the site and delivering new frontage onto Cockley Hill Road. Indeed the levels of the site and the fact that that it slopes down from Cockley Hill Lane reduces any impact the dwellings would have on those properties.

The area indicated as public open space incorporates the majority of the sites feature trees which are also covered by a Tree Preservation Order, this area is naturally overlooked by the adjoining dwellings.

Highway issues:

The application seeks outline permission for residential development of 60 dwellings, formation of access, public space and associated infrastructure, at Cockley Hill Lane, Kirkheaton, with the access point the only matter for consideration at this stage while all other matters including internal layout, parking and servicing arrangements reserved.

Access

Access to the site is proposed via a new priority junction from Cockley Hill Lane. Drawing 702A/01 prepared by PAH Highway Consultants shows a proposed access road of 5.5m width and 2.0m footways at either flank of the site access with the one at the southern flank extending to the site frontage in a southeasterly direction thereby providing a footway at Cockley Hill Lane, whilst that to the north links into the existing footway at Cockley Hill Lane. Cockley Hill Lane is indicated on the drawing to have a carriageway width of circa 7m.

Drawing 702A/01 indicates that visibility splays of 2.4m x 48.5m and 2.4m x 46.6m in the northwest and southeast direction at Cockley Hill Lane can be achieved. These visibility splays are commensurate with 32.7mph and 31.8mph speeds that were recorded during the traffic survey. In addition, drawing 702A/01 indicates that the finished gradient for the initial 10 m is 1 in 20, followed by a 1 in 8 gradient over approximately 25m which includes vertical curves.

Junction spacing between Cockley Meadows and the proposed site access is circa 20m. Highways Development Management (HDM) considers that junction spacing is dependent on the number of crossing movements between the two minor arms at a stagger junction, the distance required for vehicles to be positioned for turning movements and the restriction of through traffic among others.

It is unlikely that there will be cross movements between Cockley Meadows and the proposed site access and in addition Cockley Hill Lane has low traffic volumes. On this basis the proposed junction spacing is not considered to result in highway safety concerns.

The site access junction geometry and visibility splays accords with current guidance and is considered acceptable.

Traffic generation

Assessment using the industry standard TRICS database indicates that the development is forecast to generate around 49 and 54 two-way vehicle movements respectively in the AM peak and PM peak periods.

The two-way vehicle flows along Cockley Hill Lane are circa 170 and 200 two-way vehicles during the AM peak and PM peak hours respectively. Forecast arrivals and departures associated with the proposed development are set out in **Table 1** below.

Table 1: Peak Hour Vehicle Trips

Total	Weekday AM Peak		Weekday PM Peak	
	Arrivals	Departures	Arrivals	Departures
	15	34	33	21
	49		54	

HDM considers that this level of traffic generation can be accommodated on the local highway network.

Cumulative Impact:

An assessment of the potential cumulative effect of this development plus neighbouring proposals and existing commitments, on the distribution of traffic and the capacity of the local highway network was requested by HDM, supplement this application.

In addition to this application 2 other sites have been considered including development already recommended for approval on Crossley Lane (2015/90430) , and a current application on Shop Lane, Kirkheaton (2014/92535)

This further analyses carried out in preparing this Technical Note demonstrate that the anticipated increase in the level of traffic generated by any one of the three developments would not be discernible from the daily fluctuations in flows that could be expected on the strategic highway network. The same can be said of the cumulative impact of all three developments. Therefore the level of traffic generated by all three proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.

Accessibility

Bus

The nearest bus stop is located approximately 200m away from the site at Cockley Hill Lane. The bus stop is served by bus service 262, providing a combined two-way weekday frequency of circa 8 buses per hour in the daytime operating between Huddersfield, Kirkheaton, Upper Heaton and Dewsbury.

To encourage the use of public transport the developer will be required to implement a Residential Metro Card Scheme, the funding for which shall be secured via a Section 106 Agreement.

Pedestrians

The proposals include extension of a 2.0m footway at the site frontage along Cockley Hill Lane. There are footways along Cockley Hill Lane and Town Road to enable pedestrians' access to local facilities.

Accidents

A review of the recorded accidents shows that there have been two recorded accidents in the site vicinity within the last five years, which resulted in slight injuries. The recorded accidents did not occur as a result of the road geometry but were due to driver behaviour.

Drainage Issues:

The site is located within Flood Zone 1 (i.e. the area least likely to flood). As the site area is in excess of 1Ha a Flood Risk Assessment has been undertaken.

The Environment Agency has accepted the conclusions of the FRA and recommends conditions which would restrict site run off to the green field rate (i.e. 5l/s).

This is a green field site and as such the option of SUDS drainage systems should be explored. However there are some areas of the site that attract standing water, therefore some attenuation within the site to achieve the 5/l/s run off rate may be required. These details are proposed to be covered by appropriate conditions.

Bio Diversity:

The application is accompanied by an Ecological Survey. Further survey work has been undertaken within the March–June period as requested.

The site consists of pasture with some mature trees to the perimeter of the site. The trees are clearly of ecological value as well as amenity value and these are shown to be retained. In addition a landscaping scheme and bio diversity enhancement (i.e. provision of bat tubes and bird boxes).will be required by condition as part of any permission.

It is considered that there are significant opportunities to deliver bio diversity enhancement on this site in accordance with the guidance contained in paragraph 118 of the National Planning Policy Framework.

Environment Issues (Contamination, remediation, Noise and Air Quality):

The site is capable of being satisfactorily remediated and made fit to receive new residential development, conditions are recommended.

A Phase 1 Geo- Environmental Survey has been submitted which is acceptable to both the Coal Authority and the Environmental Services. In addition at the request of Committee , further survey work regarding coal

mining legacy on the site has been undertaken. In an Intrusive Coal Mining Investigation report.

The site is surrounded by existing residential properties. It is considered that new residential development will not give rise to significant noise or disturbance to existing residents to justify refusal, nor is there considered to be any need for noise attenuation.

The site is not within an area which experiences problems with air quality, however in accordance with the guidance contained in paragraph 97 of the NPPF a condition is recommended requiring the provision of electric charging points to new dwellings to serve electric cars or other low emission vehicles.

Crime Prevention:

The application is in outline and is supported by an indicative layout to show how the site may be developed. The detailed layout will be considered at reserved matters stage, however the area identified for POS within the indicative layout is considered to be logical, with the benefit of natural surveillance. Connectivity from within the site to existing footpaths will need to be considered at reserved matters stage, but there is no reason to raise any objection to the principle of residential development from a crime prevention perspective.

Representations:

A large number of representations and a petition have been received with a number of common themes expressed. The detail of representations and Officer responses are detailed below:

This is a greenfield site; development would be contrary to Policy D5 of the UDP. Also there are brownfield sites within the vicinity that should be developed in advance of this and other greenfield sites.

The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites and as such in accordance with par 49 of the NPPF the Council's Housing policies in the UDP are considered to be out of date. This matter has been tested at appeal twice and on both occasions the appeals were allowed. It is not reasonable for the Council to refuse permission for the principle of residential development on POL sites or on the grounds that brownfield sites should be brought forwards first.

(NB: The neighbouring brown field site - the former Huddersfield Fine Worsteds on Shop Lane is on this same agenda, recommended for approval. Neighbouring brownfield sites have also been granted planning permission.

The local infrastructure is unable to cope with the additional houses i.e. the schools are full to capacity as are local doctors surgeries.

The application makes provision for a financial contribution towards education that accord with the Council's policy for education provision. The delivery of

health/ dental facilities is not a material planning consideration for the Planning Authority, being the remit of the Local Health Authority.

The local road network is unable to accommodate the extra traffic, this will lead to congestion, traffic problems and potentially hazard. The scheme proposes a dangerous access.

The application has been accompanied by a Transport Assessment together with supplementary information covering the cumulative impact of development. The surrounding road network is considered capable of accommodating the proposed development and neighbouring developments. The proposed access off Cockley Hill Lane is acceptable and conditions are recommended.

The site is a haven for wildlife and the information provided in the ecological report is substandard.

An updated ecological report has been provided and assessed by the Councils biodiversity Officer, who accepts its conclusions. The area of the site of most value and potential is the area at the bottom of the site surrounded by the protected trees. This area is identified as potential open space. The remainder of the site is improved agricultural land of little ecological value.

The bottom end of the site is marshy; any development of this greenfield site will lead to run off increasing and causing surface water flooding issues downstream.

The application has been accompanied by a Flood Risk Assessment. The Environment Agency and Yorkshire Water have raised no objection subject to conditions. The Environment Agency conditions seek to limit the run off from the site to existing greenfield rates. It is accepted that drainage conditions are necessary and that these will need to be satisfactorily discharged.

There are a number of specific objections relating to matters of design, loss of privacy, provision of affordable housing provision (detailed in the representations section above) that have been considered as part of the assessment.

Conclusion:

The site is allocated as Provisional Open Land on the UDP, and as such is subject to Policy D5, which presumes against the development of POL land (other than for other open land uses) for the lifetime of UDP. However given that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the UDP housing policies, including D5 are considered to be out of date. In this context paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. This site is considered to be in a sustainable location, and as such there is no objection to releasing it for housing at this time.

The access is considered to be satisfactory and the surrounding road network can accommodate the additional development. Issues such as drainage and remediation are capable of being dealt with by conditions.

The application was accompanied by a viability appraisal which has been independently assessed. Through negotiation an affordable housing offer of 20% of the number of units with full contributions towards POS (on and off site) and Education has been secured. These offers are considered acceptable and will be secured via a Section 106 agreement.

It is therefore recommended that outline planning permission be granted subject to the delegation of authority to Officers to address the matters set out below.

9. RECOMMENDATION.

RECOMMENDATION:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. REFER THE APPLICATION TO THE HEALTH AND SAFETY EXECUTIVE UNDER SECTION 9 OF THE PLANNING PRACTICE GUIDANCE NOTE. SHOULD THE HEALTH AND SAFETY EXECUTIVE NOT INTERVENE THEN:**
- 2. SECURE A SECTION 106 OBLIGATION TO DELIVER:**
 - THE PROVISION OF AFFORDABLE HOUSING**
 - AN EDUCATION CONTRIBUTION**
 - POS ON SITE AND A FINANCIAL CONTRIBUTION TO IMPROVE OFF SITE POS**
- 3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE BELOW; AND**
- 4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION ISSUE THE DECISION NOTICE**

Conditions

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

9. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works; at the site access junction with Cockley Hill Lane (with reference to drawing no. 702A/01) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the

approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

10. The development shall not be brought into use until visibility splays of 2.4m x 48.5m and 2.4m x 46.6m in the northwest and southeast direction at Cockley Hill Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.

11. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

12. The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

13. Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

14. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer (i.e. a total protected strip width of 6 metres that crosses the site).

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences

17. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

18. Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

19. Prior to occupation of any dwellings, electric vehicle recharging points shall be installed for each dwelling with a garage and / or 1 point for every 10 dwellings with communal car parking in accordance with a specification which shall first have been submitted to and agreed in writing by the Local Planning Authority.

20. The development shall not commence until a scheme detailing the Qualitative Audit brief , methodology, and schedule for the delivery of the Qualitative Audits recommendations for the assessment of the pedestrian routes, desire lines, and crossing points(formal and informal) along Cockley Hill Lane(site access to Town Road/ Heaton Road), Town Road, and Town Road/ Heaton Moor Road/ Cockley Hill Lane/ Moorside Road junction has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented, and thereafter maintained.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	P12.4618.02		15/9/14
Block layout plan	P12.4618.01		15/9/14
Site features including salient geological features	C15120/02		15/9/14
Preliminary conceptual model	C15120/03		15/9/14
Design and Access Statement			15/9/14
Tree/ Arboricultural Survey	10961/AJB		15/9/14
Ecological Appraisal (update)	R-1481-02.1		July 2015
Phase 1 (Desk Top) Survey	C5120		15/9/14
Flood Risk Assessment	E13/5770/FRA.001		15/9/14
Transport Assessment	702/June 2014		15/9/14
Supplementary Transport information	702	B	August 2015

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

8 SEPTEMBER 2016

APPLICATION NO: 2016/90894

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ERECTION OF 5 NO. UNITS

RAWFOLDS WAY, CLECKHEATON, BD19 5LT

Highways –

- The internal tracking of the turning head adjacent to Unit 18, has been carried out and is satisfactory.
- The details of the footpath improvements and realignment have been received and are satisfactory.

Update to plans table:

Turning Head 90027 RWF 72 received 7/9/16.

RECOMMENDATION: Conditional Full Approval

APPLICATION NO: 2016/91158

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**ERECTION OF 87 DWELLINGS AND DEMOLITION OF EXISTING
WORKING MENS CLUB**

**FLOCKTON GREEN WORKING MENS CLUB, BARNSELY ROAD,
FLOCKTON, HUDDERSFIELD, WF4 4AA**

Use of the replacement working men's club car park by the school:

Page 39 of the report states:

The car parking spaces within the new club site will be available for the use of parents and carers dropping off and picking up children from the adjacent primary school. Planning conditions are proposed to control the timing, use and delivery of the provision of the new club car park for use by parents and carers dropping off and picking up children from the adjacent primary school. This will mean that the existing parking arrangement between the school and the WMC will be maintained.

The applicant has asked that a planning condition requiring the replacement working men's club car park be made available for use by the school is not imposed on the housing application. The applicant considers that such a condition would not meet all of the tests for planning conditions and is concerned that it would impose a stipulation over which they have no control and are unable to guarantee compliance. There are associated concerns around adverse publicity for the applicant in the event that the condition was breached in the future.

Whilst officers consider that a condition would meet the tests for planning conditions, on balance officers consider that the omission of such a condition does not prejudice the acceptability of the development or alter the recommendation. This is because the use of the new car park by the school can be controlled through the separate application for the replacement club (2016/91464 - reported elsewhere on this agenda) and the actual provision of the car park will also be controlled by a planning obligation linked to the housing application. In addition, there is a clear commitment from the management of the working men's club to maintain the long-standing arrangement with the school to allow parents and carers to use the car park for dropping off and picking up. The working men's club has also confirmed that it is their intention to enter into a formal agreement with the school regarding the use of the new car park.

Officers are therefore satisfied that there can be a sufficient level of control over the delivery of the new car park and its subsequent use by the school across the housing application and the application for the replacement club.

It is to be noted as well that the applicant has "*a contractual obligation to construct the access road, retaining walls and car park to the new club site within 12 months of completing the purchase of the site (anticipated Nov 2016 subject to receiving planning consent). Completing these works is complex as an existing electricity cable has to be diverted through the housing site before any works to the club site can be commenced. The club anticipate a build period of around 8 months, so as a worst case scenario the new club will be operational by June 2018. The club have agreed in principle to use the post office building as a temporary club until the new one is built*".

Pedestrian link between development and land to the north:

As detailed on page 39 of the report, a pedestrian link will be provided to the land to the north which contains the recreation ground. Given the difference in levels a flight of 8 steps is shown to link the development site and the adjacent land however officers consider steps to be unsuitable and a graded access is necessary.

The applicant has confirmed that they are willing to providing a ramped access from the housing development to the adjacent land instead of the steps. Details of the ramp are to be secured by condition with the delivery of the ramp linked to a specific phase of the development. Where works to form the ramped access fall within the adjacent land a separate planning application will be required and the applicant has confirmed that they will submit this. The adjacent land is owned by the working men's club and so it is understood there is a willing landowner that will facilitate the access.

The report indicates that the applicant intends to locate their site compound on the land to the north of the pedestrian link during the construction phase. Following further investigation it is no longer the developer's intention to do this because it would involve extensive engineering works that would have a significant consequence from cost perspective. Subject to creating a ramped access to allow pedestrians to travel from the playing fields and through the site to access the primary school this is considered an acceptable compromise.

Surface water drainage:

Additional information has been submitted in respect of the surface water drainage strategy for the site.

It was initially indicated that surface water would connect to the watercourse to the western site boundary at a restricted rate. The latest drainage scheme proposes that surface water from the development will be directed to a large attenuation tank that would be installed below the car park of the replacement working men's club.

Water would then discharge from the attenuation tank at a restricted rate of 3.5 litres per second to a watercourse within Barnsley Road. This connects to an existing culverted watercourse within Pinfold Lane (which is also fed by the watercourse that runs along the western site boundary).

Kirklees Flood Management and drainage have no objections in principle to the proposed surface water drainage strategy, subject to works to upgrade the downstream network as discussed on page 41 of the report. Full details of the drainage strategy will need to be secured by conditions and details of the future maintenance and management arrangements for the tank agreed.

Watercourse to western boundary:

An additional plan has been submitted which clarifies land ownership along the route of the partially culverted watercourse to the western boundary. Ownership is as detailed within the main report i.e. much of the watercourse lies on land owned by the school with the applicant being responsible for the watercourse within the southwest corner of the site.

It is to be noted that surface water would not be directly entering the watercourse where it is adjacent to the school.

Loss of former allotment land:

The council's allotment manager has confirmed that the part of the site that is shown as allotment gardens on the Ordnance Survey map is unlikely to have been operated as allotments by the council and would have either been the responsibility of the Parish Council or would have been privately run.

There is a council owned allotment site on Pinfold Lane in very close proximity to the development (11 plots) which is currently fully let with a waiting list of four people. Other council owned sites also exist within the wider area.

Whilst there is evidence of some modest local demand for allotments, officers do not consider that this materially alters the conclusion reached on page 34 of the report regarding the loss of the former allotment land.

Update to plans table:

Culvert Ownership Plan
Drainage layout plan (Section 104 Layout) – 1048/77/03 Rev A

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ERECTION OF CLUB WITH FLAT ABOVE

**FLOCKTON GREEN WORKING MENS CLUB, BARNSELY ROAD,
FLOCKTON, HUDDERSFIELD, WF4 4AA**

Use of the replacement working men's club car park by the school:

In line with the update to application 2016/91158 for the erection of 87 dwellings, a condition is recommended requiring that the proposed car park is made available for use by the school. The condition will include details of the timings and arrangements for the use of the car park in connection with the dropping off and picking up of school children (as per condition number 16 on page 65 of the report).

Bin store and smoking shelter:

The applicant has given careful consideration to relocating the smoking shelter and bin storage and has commented that there is scope to move them both further along the northern boundary towards the ramp, so that they are further away from plot 10. The applicant is content that this would not unduly prejudice the sale of plot 10.

Given that any prospective occupier of plot 10 would be aware of the relationship with the adjacent club site, on balance officers consider that the suggested relocation of the bin store and smoking shelter is acceptable. The amendment will need to be shown on an updated site plan.

Hours of use:

The applicant has confirmed that the club require flexibility in their opening hours to allow for occasional events that may finish late on a weekend. The proposed opening hours are 9am to 11pm Sunday to Thursday and 9am to midnight on Fridays and Saturdays.

Officers consider that these proposed opening hours are acceptable and can be conditioned as such.

Loss of former allotment land:

The site forms part of a larger area that is shown as allotment gardens on the Ordnance Survey map. The council's allotment manager has confirmed that these allotment gardens are unlikely to have been operated by the council and would have either been the responsibility of the Parish Council or would have been privately run.

There is a council owned allotment site on Pinfold Lane in very close proximity to the development (11 plots) which is currently fully let with a waiting list of four people. Other council owned sites also exist within the wider area.

Whilst there is evidence of some modest local demand for allotments, officers do not consider that this materially alters the conclusion reached on page 58 of the report regarding the loss of the former allotment land.

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**OUTLINE APPLICATION FOR ERECTION OF 60 DWELLINGS,
FORMATION OF ACCESS PUBLIC SPACE AND ASSOCIATED
INFRASTRUCTURE**

COCKLEY HILL LANE, KIRKHEATON, HUDDERSFIELD, HD5 0HH

Update

Coal Authority (in response on the Intrusive Coal Mining Investigation).

No objections subject to the imposition of appropriate condition.

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