
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 31-Aug-2017****Subject: Planning Application 2017/90602 Demolition of existing public house and erection of 26no. dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield, HD3 3FG****APPLICANT**

Newett Homes

DATE VALID

14-Feb-2017

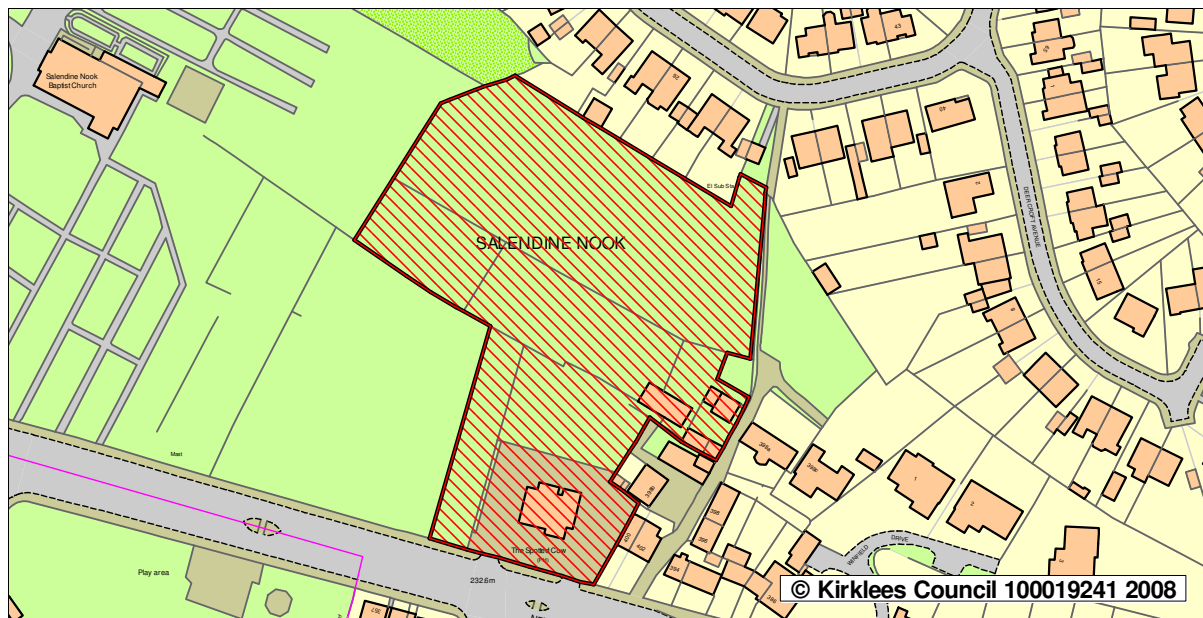
TARGET DATE

16-May-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley

Yes

Ward Members consulted

RECOMMENDATION:

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

- **The provision of affordable housing (four units); and**
- **The provision of an off-site contribution towards Public Open Space of £69,000; and**
- **Education contribution of £64,248.**

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

1.0 INTRODUCTION

- 1.1. This site was originally brought to Sub Committee on 20th July 2017 as it is a site in excess of 0.5ha and, in part, represents a departure from Policy D5 of the Unitary Development Plan. Members visited the site on the morning of the meeting. It was deferred from consideration at that meeting, at the request of the applicants, as they may have wished to make alterations to the submitted layout. Subsequently the applicants wish the original layout to be considered by Members and assessed in the report to sub-committee set out below.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises an area of 1.18 ha, located on the northern side of New Hey Road, Salendine Nook. The site includes the former public house "The Spotted Cow", and its curtilage. The pub has been vacant for a number of years and is in a neglected state. To the west and north parcels of informal grassed open space. As such the site is part brown field and part greenfield

- 2.2 The site is flanked on the west by undeveloped greenfield land. This land is allocated for housing on the UDP, and has the benefit of an outline application for housing. To the east there is a group of dwellings set around a narrow road off New Hey Road.
- 2.3 The greenfield element of the site extends up to the rear gardens of properties on Deercroft Crescent to the north of the site, and to the west flanks the graveyard of Salendine Nook Baptist Church. The site becomes significantly steeper up to the rear of Deercroft Crescent.
- 2.4 The site is flanked by a significant number of mature trees, which are covered by a Tree Preservation Order, and there is a public footpath alongside the eastern boundary linking New Hey Road with Deercroft Crescent.
- 2.5 The Spotted Cow, and its immediate curtilage are unallocated on the UDP, and the informal parcels of open space to the rear are allocated as Provisional Open Land.

3.0 PROPOSAL

- 3.1 Full permission is sought for the erection of 26 no dwellings, mainly detached properties, but with 4 pairs of semi-detached properties scattered through the layout. There are 19no. 4 bed properties and 7no. 3 bed dwellings. The dwellings are 2-storey.
- 3.2 Vehicular access is taken off New Hey Road with alterations proposed to the existing accesses to the pub car park. The initial stretch of road into the site would be an estate road which then alters to a shared carriage way, serving an extended cul-de-sac.
- 3.3 Given the site's topography extensive engineering works would be required to undertake the development, including retaining walls to the rear of Deer Croft Crescent and on the western parts of the site.
- 3.4 There is an area of greenspace indicated adjacent the access point, and fronting onto New Hey Road, resulting in the scheme being set back from New Hey Road.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None relevant on this site.
- 4.2 Adjacent site, 2015/90452, Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping. Allowed at appeal 3rd May 2016.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Additional information regarding the access point of New Hey Road, and the internal layout has been submitted satisfactorily addressing detailed concerns.
- 5.2 A site section across the northern end of the site has been provided clarifying the relationship and distances of any retaining structures from the public right of way that flanks the site to the east.

- 5.3 Additional drainage information has been submitted regarding the potential line of a stream at the bottom of the slope.
- 5.4 The applicants submitted a viability appraisal, which was been independently assessed. Vacant Building Credit is also applied to the existing buildings on site. The findings of the independent assessment have been considered agreed by all parties and are reflected in the S106 package in the recommendation box.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is partly without notation and partly Provisional Open Land within the UDP. The land is again partly without notation on the Kirklees Publication Draft Local Plan (the building and its immediate curtilage). The remainder of the site is safeguarded land.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 Unallocated land
D5 – Provisional Open Land
BE1 – Design principles
BE12 – Space about buildings
BE23 – Crime prevention
G6 – Land contamination
NE9 – Retention of mature trees
T10 –Highway safety
T19 – Parking standards
H10 – Affordable housing
H18 – Provision of open space
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

6.3 Supplementary Planning Document 2. "Affordable Housing".

Councils Interim Affordable Housing policy

Education needs generated by development

6.4 Kirklees Publication Draft Local Plan, submitted for examination April 2017.

PLP1: Achieving Sustainable Development

PLP2: Place Shaping

PLP3: Location of new development

PLP6: Safeguarded Land

PLP11: Housing mix and affordable housing

PLP21: Highway safety and access

PLP22: Parking

PLP24: Design

PLP28: Drainage

PLP33: Trees

PLP49: Educational and health care needs

PLP52: Protection and improvement of environmental quality

PLP63: New open space.

National Planning Guidance:

6.5 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.

National Planning Practice Guidance –Vacant Building Credit.

7.0 PUBLIC/LOCAL RESPONSE

7.1 This application was publicised by site notices, press notice and neighbour letters. Final date for receipt of representation was 14/4/17.

7.2 7 letters of objection have been received, the main points of concern being:

- The land at the rear of the site is protected from development in the Unitary Development Plan.(Response- *the POL allocation is covered by policy D3, but given the lack of a 5 year supply of deliverable housing land, the presumption in the NPPF is in favour of sustainable housing development, as such it would be difficult to sustain a refusal on this basis, and appeal decision have confirmed this*).
- Concern that no details of materials have been provided. Should use natural stone, in accordance with Policy H11 of the Kirklees Unitary Development Plan: (Response: *Conditions regarding the use of natural materials, on the front part of the site adjacent New Hey Road, are recommended*).

- Loss of green space, trees and wildlife (Response- *the trees on this site have been retained as part of the development and bio diversity enhancement measures are also recommended*).
- Scheme is over intensive and out of character with the area:(Response-*the density is just over 22 per ha, in order to retain the trees which is a modest density less than some of the neighbouring developments*).
- There are already severe traffic problems on New Hey Road, and an additional 26 dwellings and access will make the situation even worse: (Response- *A transport statement was submitted with this proposal, and amendments to the access have been agreed . The site already has 2 access points for the former pub, and also a parking and delivery area*).
- Local schools and doctors surgeries are oversubscribed: (Response-*An Education contribution is being made on this application that accords with the request from the Education Services. The provision of GP's and health facilities is not a matter for the local planning authority, rather the local health authority*).
- The site should be reused for community benefit, either as a local recreation ground, or revive the pub use;(Response- *the application as applied for has to be determined. The former pub has been vacant for a number of years, and is deteriorating in terms of its state and appearance*).
- This type of housing ie 3 and 4 bed, is not in keeping with this area and will not fulfil housing need.(Response- *There is a variety of housing and house types in the area ,abutting and opposite the site, including detached and semi-detached properties. There is a shortfall of housing supply in the district, and this scheme will deliver 4 no affordable units towards the identified shortfall in affordable housing in this area.*).

8.0 CONSULTATION RESPONSES

8.1 Statutory:

KC Highways - Requested additional information and amendments to the internal layout which has been provided. Following the this there are no objection raised subject to the imposition of conditions.

KC Strategic Drainage - Recommend conditions

8.2 Non-statutory:

KC Trees - No objections, recommend conditions and an Arboricultural Method Statement.

KC Environmental Health - Recommend conditions covering unexpected remediation; Noise attenuation; and provision of electric charging points

KC Education Services - A financial contribution of £64,248 is required in this case. This should be secured be a Section 106 Agreement.

KC Strategic Housing - There is a demonstrable need for affordable housing in this area. The Interim Affordable Housing policy required 20% of numbers of units. Affordable Housing should be secured by a Section 106 Agreement

KC Landscape and Parks - Express concern at the potential loss of this piece of greenspace, which makes a positive contribution to the character of the area. In the event of an approval Policy H18 is applicable. In this instance an off-site payment to upgrade neighbouring play facilities would be acceptable ie £69,000.

Police Architectural Liaison Officer- No objections to this application.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highways Issues
- Drainage Issues
- Bio diversity
- Environmental Issues (Noise, Air Quality and Remediation).
- Crime Prevention
- Representations not covered within the report

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.3 It is clear that the NPPF seeks to *“boost significantly the supply of housing...”* (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

- 10.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are falling foul of their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 10.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
 - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
Specific policies in the Framework indicate development should be restricted.
- 10.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial. Whilst the Council have submitted the Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been through examination, nor has it been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.8 The application site comprises 2 parts. The front part of the site comprising the vacant public house and its curtilage is a brownfield site, and unallocated on both the Unitary Development Plan and the Emerging Local Plan, and residential use accords with policy and as such the presumption in favour of sustainable development in paragraph 14 of the NPPF applies, and development that accords with the development plan should be approved without delay.
- 10.9 The rear part of the site comprising some fields on a sloping site, and is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:
- On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.*
- 10.10 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date and given full weight.

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

Emerging Local Plan

- 10.12. The rear part of the site ie the sloping fields is allocated as Safeguarded land on the Emerging Local Plan, the relevant policy being PLP6 which states:

PLP6. Safeguarded land (Land to be safeguarded for potential future development)

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

- 10.12 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

- 10.13 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

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

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

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

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

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

- 10.15. The overall development comprises 26 dwellings, with only 18 of them being within the Safeguarded area, ie not so significant as to undermine the plan making process by pre determining decisions about scale, location or phasing of new development. Whilst the PDLP has been submitted to the Secretary of State, and should be afforded considerable weight, it has not been through examination, and as it stands the Council is a substantial way off being able to demonstrate a 5 year housing land supply, and housing delivery has persistently fallen short of the emerging Local Plan requirement.
- 10.16. As such limited weight can be attributed to policy PLP6 as a basis for refusing the application, and the lack of a 5 year housing land supply, triggers the presumption in favour of sustainable development as advocate in paragraph 14 of the NPPF.

Other relevant policies

- 10.17 The council's policies on Affordable Housing, Public Open Space and Education contributions are all relevant, given the size of the site and the number of dwellings proposed.
- 10.18 The scheme provides 26 no dwellings and, in accordance with the Interim Affordable Housing Policy, 20% of the units would be required to be affordable. This equates to 5no. units. However the site contains the former Spotted Cow PH building, which is now abandoned, and as an existing empty building on a brown field site it qualifies for consideration against the Vacant Building Credit criteria detailed in National Planning Practice Guidance. In applying the guidance procedure credit for 1 no unit is accepted, and as such the policy compliant level of affordable housing would be 4 units.
- 10.19 An off-site contribution towards improvement of existing open space areas is required ie £69,000, and an Education contribution of £64,248 is also required.
- 10.20 The applicants submitted a viability appraisal with the application, indicating that they believed the delivery of this scheme was unviable with the affordable housing contribution required. This appraisal has been independently assessed (at the expense of the applicant), and the council's independent assessor did not accept this assertion, indicating that the site could deliver the 4 affordable houses, and both the off-site POS and Education contributions and still be viable
- 10.21 The applicants have accepted this, and as such in the event of an approval a Section 106 delivering affordable housing, off site POS and Education contributions will be secured. This is set out in the recommendation.

Urban Design issues

- 10.22 The proposal delivers 26 no dwellings at a density of just over 22 per ha. Given the on-site constraints, particularly the numbers of mature trees, and steep slope to the rear, this is considered to be an efficient use of the land. The surrounding housing is a mixture of house types, with semi-detached to the rear on Deercroft Crescent and the opposite side of New Hey Road, and

a tight knit courtyard development immediately to the east of the site around an unmade track. As such it is considered the density is appropriate for this area which enables the retention of the protected trees on the western edge of the site that are an integral part of the character of this area.

- 10.23 The frontage onto New Hey Road includes the retention of the stone boundary wall, and the first plot is set back approx. 10m from the wall, respecting the prevailing building line, with a considerable landscaped area adjacent the protected trees that run along the length of the neighbouring site on the New Hey Road frontage. This approach respects and enhances the character of New Hey Road, which also benefits from the removal of an abandoned and neglected pub building.
- 10.24 The dwellings proposed are a mixture of detached and semi-detached, 2 no storeys in height, which is an appropriate scale. The dwellings on the rear part of the site are to be constructed on excavated development platforms. Given the steepness of the slope and the rear gardens enclosed by a substantial retaining wall this is an appropriate design solution for the site. The ridge height of these dwellings will be a similar height to the rear gardens of properties on Deercroft Crescent. As such the retaining wall will not be visible from New Hey Road and within the site.
- 10.25. The site fronts onto New Hey Road and the surrounding dwellings are predominantly built of stone. As such it is appropriate that the dwellings within the scheme nearest dwellings to New Hey Road and those that are visible from the road are built of natural stone and it is proposed to condition this.

Residential Amenity

- 10.26 The internal layout, and distances between dwellings and proposed garden areas, is in accordance with the Council's space about building standards, as such the residential amenity and privacy of the new dwellings is safeguarded.
- 10.27 With respect to the relationship to the nearest dwellings,(ie those to the east of the site in particular numbers 398b and 400 New Hey Road, there are no dwellings proposed to the side of no 400, with a distance of over 15 m to the gable of plot 1. No 398b New Hey Road is a detached property with an elevation that face the unmade track and also towards the site with a small yard area. The nearest new dwelling is plot 26, and this has a gable facing no 398b. As such the privacy of the 2 dwellings and their garden areas can be safeguarded with appropriate fencing and the bulk of the dwelling is not considered to have an adverse effect on the residential amenities of 398b that could justify a refusal, especially given the siting and bulk of the existing Spotted Cow PH. The relationship of Plot 20 to no. 398a New Hey Road is gable to gable with the unmade track/PROW separating them. This is considered acceptable.
- 10.28 The dwellings to the north on Deercroft Crescent are at a considerably higher level than the application site with the garden areas being level or above the ridge heights of the new dwellings. The scale, design and layout of the proposed dwelling would not lead to a material loss of amenity for occupiers of these dwellings.

- 10.29 The dwellings proposed nearest to New Hey Road are to be provided with appropriate noise attenuation to protect the future residents from road traffic noise. Noise attenuation measures will be subject to condition.

Highway Issues

- 10.30 The proposed residential development of 26no dwellings on land adjacent to Former Spotted Cow public house would be served off the A640 New Hey Road. The 26 Dwellings are a mixture of 14no 4 bedroom units and 12no 3 bedroom units both detached and semi-detached.
- 10.31 The proposed site access would be located at one existing eastern entrance with the other being stopped up accordingly. This access is directly onto A640 New Hey Road. The current layout on New Hey Road has been redesigned to accommodate the proposed access which includes radii and footways returned into the site and relocation of the existing traffic island.
- 10.32 In terms of the forecast traffic generation on the existing network, detailed in the Transport assessment (BWB consultants) for the development of 26 dwellings has a potential to generate 17 two way movements in the AM peak and 16 two way movements in the PM peak periods.
- 10.33 The proposed internal layout and parking provision (dwg no 1640.01 rev J) is considered acceptable in principle, subject to detailed design including approval of gradients and landscaping (both to be subject to conditions).
- 10.34 There is currently a public right of way (PROW ref HUD/367/10) running adjacent to the north east of the site. Detailed design for its retention will need to be considered along with the proposed retaining wall to support this. Both these will require approval in writing at the detailed design stage and will be subject to conditions.

Drainage Issues

- 10.35 The site is within Flood Zone 1 (ie the area least likely to flood). Given the site exceeds 1ha, a Flood Risk Assessment has been provided to cover the issue of surface water drainage.
- 10.36 The applicants, in addition to the Flood Risk Assessment have produced a Drainage Strategy that is largely welcomed by the Strategic Drainage. Surface water flood routing throughout the site can be satisfactorily achieved, but will necessitate a marginal increase in floor levels for plots 2, 3, 25 and 26 which will be conditioned.
- 10.37 Additional information about the line/route of the watercourse has been provided and this will inform the drainage solution and eventual discharge rates. Clearly for the brownfield element of the site a reduction in run off rates by at least 30% should be sought and on the brown field element of the site be deliverable
- 10.38 The drainage issues on this site have been satisfactorily addressed, and can be secured by the imposition of appropriate conditions.

Bio-diversity

- 10.39 The site itself is of no particular biodiversity value, with a derelict building and semi improved grassland. The trees on the site, and on the neighbouring site, are of value as a bat foraging area, and on the neighbouring site there is a bat roost. The retention of the trees is welcome as that foraging potential is retained. Also given the new dwellings provided on the site it is proposed to condition biodiversity enhancement opportunities for both bat and bird roosts

Environmental Issues

- 10.40. Noise. The dwellings nearest to New Hey Road will be the subject to road traffic noise and it is proposed to condition the submission of noise attenuation measures for the 4 no dwellings nearest to New Hey Road.
- 10.41. Remediation. The applicants have submitted a Phase 1 Survey with the application, and it is acceptable that the site can be remediated and made fit to receive new residential development. Standard conditions to this effect are recommended.
- 10.42. Air Quality. Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy a condition requiring the provision of electric charging points is recommended.

Crime Prevention

- 10.43. The Police Architectural Liaison Officer is supportive of this scheme. The layout provides for dedicated parking spaces for each dwelling and logical and defensible areas of space for each dwelling. Recommend robust boundary treatments, particularly those adjacent to the public footpath.
- 10.44. As such it is considered that the proposal satisfies the requirements of Policy BE23, of the UDP (Crime Prevention). And the guidance contained in part 8 of the NPPF "Promoting healthy communities".

11.0 CONCLUSION

- 11.1. The scheme delivers new housing on a part brown field / part green field site. Given the lack of a 5 year housing supply, the presumption within the NPPF is in favour of sustainable housing developments, and this site is considered to be within a sustainable location.
- 11.2. Policy compliant contributions towards affordable housing (following independent viability assessment), POS and Education are all offered and will be secured via a Section 106 Agreement.
- 11.3. The layout and density are compatible with the area, and the site can be safely accessed from New Hey Road. Other material considerations such as drainage, noise, biodiversity and air quality, are all covered by the imposition of appropriate conditions.
- 11.4. Approval of this scheme subject to a Section 106 and appropriate conditions.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. 3 year time limit for commencing conditions
2. Development to be in accordance with approved plans.
3. Landscape Scheme and maintenance (including scheme and future maintenance responsibility for the area between Plot 1 and New Hey Road).
4. Protection of trees during development
5. Samples of materials (natural stone for some dwellings close to New Hey Road)
6. Boundary treatments
7. Drainage conditions-
 - a. in accordance with FRA and Drainage Strategy;
 - b. run off rates;
 - c. surface water flood routing;
 - d. finished floor levels
8. Environmental Health –
 - a. Noise attenuation;
 - b. Remediation/ decontamination/validation of works; and
 - c. provision of electric charging points
9. Highways conditions;
 - a. right turn lane;
 - b. areas to be surfaced and drained;
 - c. internal adoptable roads ;
 - d. closure of existing access;
 - e. retention of PROW and retaining walls.
10. Removal of PD rights on some plots, including no new windows or openings
11. Construction Management Plan.
12. Bio diversity enhancement measures, bat and bird boxes

Background Papers:

Application and history files

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90602>

Certificate of Ownership, Certificate B – Notice served on:

Mr Simon Rowell 13th February 2017.