
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 12-Oct-2017

Subject: Planning Application 2016/93243 Erection of 17 dwellings (within a Conservation Area) Thirstin Mills, Thirstin Road, Honley, Holmfirth, HD9 6JG

APPLICANT

North Park (Greetland)
Ltd

DATE VALID

20-Sep-2016

TARGET DATE

20-Dec-2016

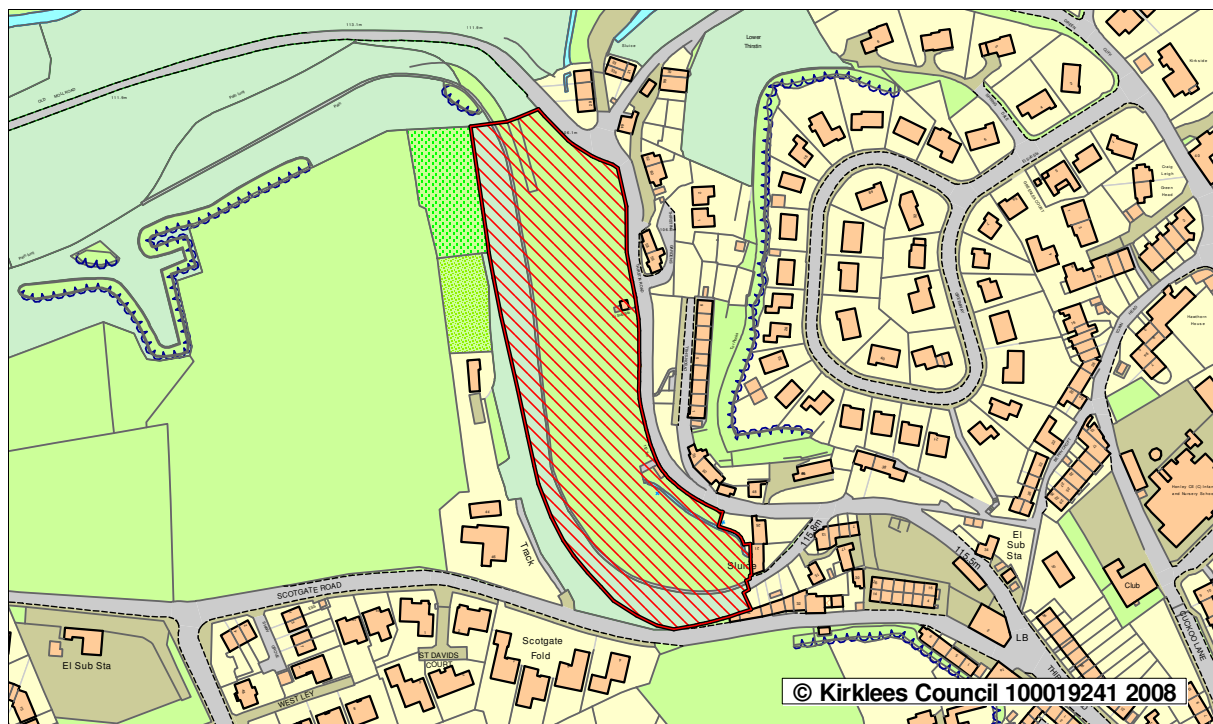
EXTENSION EXPIRY DATE

12-Oct-2017

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: Holme Valley North

Yes

Ward Members consulted
(referred to in report)

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 and to secure a Section 106 Obligation (Unilateral Undertakings) to cover the following matters:

The long term maintenance and management of:

1. The watercourse including all associated ancillary structures (access chambers and trash screens) on site, and
2. The regraded embankment along the full western boundary,

both of which shall be agreed to be set up through management companies on behalf of the future occupants of all the dwellings/plots. These are to be in accordance with details to be approved under conditions relating to all works associated to 1 and 2 above, implementation of these and prior to occupation of any of the dwellings.

In the circumstances where the signed and dated Unilateral Undertakings for both 1 and 2 above have not been received 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 suitable management and maintenance responsibilities being 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 The application is brought to Huddersfield Planning Sub Committee due to the site area being over 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site that has been vacant for a number of years following the demolition of the former mill complex on site. It is evident on site that works have been carried out in the past to the earth embankment along the western boundary, in addition the water course on site has previously been diverted internally within the site. It comprises an area measuring approximately 1.39 hectares and is located within Honley Conservation Area.

The site is bound by Thirstin Road to the east and north. A public footpath (HOL/186/10) runs along the western edge of the site above an existing embankment overlooking the site. Beyond this is a wooded area that abuts the green belt. To the south of the site is Scotgate Road.

- 2.2 A number of residential properties overlook the site from the east on the opposite side of Thirstin Road. These are a mixture of semi- detached and terraced properties with a few detached dwellings.
- 2.3 The site is constrained by the banking to the western boundary and the culvert which has previously been diverted and that continues to run through site. The site is steeply sloping north to south and west to east, although the latter is much shallower, to the west is an open sluice.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of 17 dwellings. This would consist of mainly semi-detached and detached dwellings, most of which are shown to incorporate integral garages. The dwellings would be 3 storey high when viewed from Thirstin Road and most would have 4 bedrooms.
- 3.2 The proposals would result in twelve individual drives and one shared private drive to serve plot nos. 1-5 all to be taken off Thirstin Road. The proposals would also result in widening of Thirstin Road to 7.5m along the majority of the site frontage and the provision of a new 2m wide footpath on the application side.
- 3.4 It is proposed to excavate and regrade the existing embankment along the western boundary and areas within the site will also require an element of infilling; the greatest of which will be concentrated in the north eastern part of the site to accommodate the proposed development.
- 3.5 The proposals as revised will include a new culvert to be positioned to the front of the proposed dwellings to run from the existing open channel and discharge into the manhole linked to the old original culvert within the site. The culvert constructed in 2006 will be redundant.
- 3.6 The materials proposed include reclaimed natural stone walling and concrete roof tiles. Boundary treatment is proposed to consist of areas of stone walling to the front and 1.8m high timber fences between plots.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2011/92197 –Erection of 24 dwellings - granted Dec 2012 with S106 requiring financial contribution

2006/95391- Reserved matters application for erection of residential development consisting of 29 dwellings and integral garages - Approved

2006/93029 - Variation of condition 1 relating to the time limit when the development shall be begun on previous application 00/60/92412/w3 for outline application for residential development - Approved

2005/90798 - Erection of two pairs of semi-detached dwellings - Approved

2003/94656 - Demolition of existing buildings, erection of 29 dwellings with garages – Approved subject to s106

2003/90124 – Erection of 6 no. detached dwellings with integral garages - Withdrawn

2003/90123 – Partial demolition of existing buildings and erection of 13 no dwellings with garages and conversion of existing buildings for 7 no dwellings - Withdrawn

2000/92446 – Conservation Area Consent for demolition of the mill - Granted

2000/92412 – Outline application for residential development – Conditional outline permission

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Response to Highway consultation response - 30/11/16
- Submission of revised plans 22/05/17
- Amended sit block plan 23/05/17
- Additional plans/information (sections/AIP & drainage plan) 02/06/17
- Additional drainage plans 05/06/17
- Revised landscape plan 14/06/17
- Response to conservation & design concerns 21/06/17
- Revised landscape plan incorporating biodiversity officers advice 15/06/17
- Additional drainage plans/information 14/07/17
- Revised FRA/drainage details 12/09/17
- Addendum to FRA 12/09/17
- Boundary details 27/09/17

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 (2012), these may be given increased weight.

The application site lies within Honley Conservation Area but has no specific allocation on the UDP Proposals Maps. It is allocated for housing within the Publication Draft Local Plan and designated as within Honley Conservation Area and, in part, an area of woodland forming part of a wider area of Kirklees Wildlife Habitat Network.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE11 – Materials
BE12 – Space about buildings
BE23 – Crime prevention
H10 – Affordable housing
T10 – Highway safety
T19 – parking provision
G6 – Land contamination
T10 – Highway safety
R13 – development affecting PROW

6.3 Supplementary Planning Guidance / Documents:
Planning Practice Guidance ‘Land Stability’

6.4 National Planning Guidance:

Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Promoting healthy communities (Section 8)
Meeting the challenge of climate change, flooding and coastal change (Section 10)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017
The site is an accepted housing allocation in the Local Plan

Publication Draft Local Plan Policies:

PLP1 Presumption in favour of sustainable development
PLP2 Place shaping
PLP3 Location of new development (housing)
PLP21 Highway Safety and access
PLP24 Design
PLP30 Biodiversity and Geodiversity
PLP32 Landscape
PLP35 Historic environment
PLP51 Protection and improvement of local air quality
PLP52 Protection and improvement of environmental quality
PLP53 – contamination and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application in the press, by site notices and through neighbour notification letters. 16 representations have been received from local residents. Their concerns and issues are summarised below:

Impact on Highways & highway safety issues:

- Not a quiet residential road as stated in submitted documents
- Thirstin Road is used as an alternative route between Holme valley and Huddersfield

- Creation of parking spaces on Thirstin Road would narrow road and block sightlines from Thirstin Gardens with vehicles parked on road
- TRO should be imposed to prevent parking on both sides of road and traffic calming measures
- Highway safety concerns on narrow part of Thirstin Road without pavement
- Creation of drives onto Thirstin Road not safe and would create a major hazard particularly at northern end of site
- Parking on Thirstin Road is limited on an evening
- Highway infrastructure will be “congested with addition of 17 dwellings where site is centre of 2 very busy country lanes”
- No footpaths to accommodate pedestrians on Thirstin Road
- Object to pavement to front finishing at most hazardous part

Visual & general amenity:

- Clarity required on external facing materials
- 3 storey dwellings and design of properties proposed not in keeping with conservation area
- Contamination of the site needs to be dealt with appropriately.
- Plot 1 will block light to existing properties, in particular no. 21 Thirstin Mills from 3 storey dwellings
- loss of light, privacy and noise concerns to no. 21 Thirstin Mills
- Who will be responsible for the maintenance of the banking?
- What assurances are there in place for secure, safe and appropriate works to regrade the embankment?
- Concerns over the stability of the embankment which carries a PROW
- Street lighting will affect wildlife and existing residents

Flood risk/drainage issues :

- Flood risk to existing properties along Thirstin Road (nos. 56, 58, 60, 62, 64, 29 & Dye Works)
- main sewers exceeded its capacity in area

Other issues/concerns

- Out of date tree survey
- Outdate reports (trees Habitat survey)
- To restrict period in which to start work on site to 1 year
- This is a greenfield site not brownfield
- Consideration should be given to the size of vehicles accessing the site
- Considerations should be given to road surfacing and cutting back of overhanging branches which minimises the width of road
- No attempt by the applicant to meet local residents

In support

Pavement along with removal of parking along Thirstin Road and road widening as shown on revised layout plan welcomed

Comments are also received from local ward Councillor Charles Greives, who along with request for Members to make a site visit states:

I'm fine with developing the site and residents just want them to start and finish as quick as they can, but there are a few issues that I think need to be addressed:

- Retention of banking and ongoing ownership and maintenance - we don't want it !
- Off site POS - we don't want any on-site so any leftover land needs to go with the houses.
- Height and position of properties - some are 3 storey will there be overlooking or privacy issues ?
- This is not a quiet backwater but a busy cut through.
- On street parking needs to be on the opposite side of the road only - and not block existing access. Can all the houses be served by an estate road so as to turn the houses around and prevent direct access to Thirstin Road ?
- We need to ensure there is sufficient and easy to use off-street parking for new residents and visitors. Can they turn on their drives or will they need to turn on the road - this will be dangerous due to traffic. Are the sight lines for plot 17 acceptable

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – acceptable in principle and advise a viable pedestrian link to the village should be provided from the site.

K.C Lead Local Flood Authority – support revised proposals and subject to conditions (see assessment below)

Environment Agency – support subject to conditions

8.2 Non-statutory:

K.C. Conservation & Design – support revised proposals subject to concern in relation to plot 17

K.C. Arboricultural Officer – no objections

K.C. Environmental Services – support subject to conditions

K.C. Ecology & Biodiversity Officer – support revised landscape proposals subject to conditions

WY Police Architectural Liaison Officer – support subject to advisory notes/conditions

Yorkshire Water – support subject to conditions

K.C. Public rights of way – object to no provision of a “viable pedestrian link to the village from the site”

K.C. Structures – support subject to conditions

K.C Strategic Housing – identified need for affordable housing

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Landscape issues
- Highway issues
- Flood risk, (sequential and exceptions tests) and drainage
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 **Principle of development:**

The NPPF provides a presumption in favour of sustainable development and requires housing applications to be considered in this context in order to boost the supply of housing. For decision making it means approving development that accords with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.

10.2 Kirklees Council does not have a five year housing land supply. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites. As the council does not have a five year housing supply, housing policies within the UDP cannot be considered up to date. This housing shortfall is a material consideration that falls in favour of the development proposed, if it complies with other relevant policies of the UDP and the NPPF of as whole.

10.3 The application site is on unallocated land. Policy D2 of the UDP applies which requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure. It is also acknowledged that the application site is an accepted housing site on the Publication draft Local Plan.

10.4 The application is submitted in full for the erection of 17 dwellings most of which are shown to have integral garages. The site benefits from a long standing history where the principle of developing the site has previously been established on this brownfield site. The site lies in an area predominantly surrounded by residential development to the east and south with good access to local services. Given the above, the principle of residential development remains acceptable, subject to appropriately addressing all other relevant planning matters.

10.5 **Urban Design issues & Visual amenity:**

The site is linear in shape with a number of constraints including the steeply sloping embankment along the western boundary and the culvert running through the site. It is steeply sloping north to south and west to east, although the latter is much shallower. The shape and the physical constraints of the site together with the sloping composition of the site have dictated the linear layout of the proposed scheme. The three storey scale and height proposed would be viewed against the backdrop of the embankment along the western boundary of the site. When viewed in the immediate context of site the proposed scale, layout and siting of dwellings, which are shown to be set back into the site, would represent an acceptable form of development that responds well to the topography of the site and surroundings of this site.

- 10.6 Initial concerns have resulted in a number of amendments to the design and elevational treatment of the dwellings to provide active frontages at ground floor level. Revisions have also been made to the roofs and fenestration detailing to a number of dwellings to ensure the proposals respond to the local building forms and pattern of development to reinforce a sense of place. Furthermore, the proposed materials of construction to include reclaimed natural stone and concrete roof tiles would respect and accord with the predominant materials of construction in the area. As such the revised proposals are considered to integrate with the surroundings and visual amenity of the area, in accordance with Policies D2, BE1 BE2, and BE11 of the Kirklees UDP and guidance in the NPPF.
- 10.7 *Heritage issues:*
Turning to the impact on the character of the Conservation Area, Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.8 This is a derelict overgrown site which currently detracts from the visual amenity of the area appearing as an eyesore. There is an open sluice in the southern part of the site and to necessitate the development the layout is now shown to divert the existing culvert to the front of the proposed dwellings to avoid it being in the private amenity areas to the rear. The Conservation Officers acknowledges this has also led to a more linear approach and development confined to the middle of the site. Plots 1-5 suggest a degree of openness due to the topography and site constraints which is appropriate. The development takes a much tighter grain the further down the access towards the north part of the site leading to tight spaces between, which is amplified by the car parking spaces to the front. Whilst there is currently no formal appraisal for Honley Conservation Area, the surroundings consist of both dispersed and tight urban grain development with a diverse mixture of house types varying in scale in this conservation area. In light of this and the current status of the site, officers are of the opinion the proposals would lead to less than substantial harm to the significance of this designated heritage asset.
- 10.9 To summarise the harm caused by the proposals is less than substantial as defined by the NPPF. In such cases, where less than substantial harm occurs, paragraph 134 of the NPPF requires that this harm is weighed against the public benefit accrued by the proposal. In this case the public benefit is the proposals would not only meet all three strands of sustainable development but also provide additional housing at a time when the Council does not have a five year housing supply, regeneration of a derelict brownfield site with provision of a footpath to the front of the site, approximately along the full length of the site. This would comply with the duty set out in the Conservation Areas Act and Chapter 12 of the NPPF.

10.10 Residential amenity & natural environment :

- 10.11 The site is currently derelict creating an eyesore for those that live in close proximity and there is a general positive view to its development. The proposal will represent a significant enhancement in terms of visual amenity thus satisfying policies D2, BE1 and BE2 of the Unitary Development Plan.
- 10.12 Whilst the layout and design of the development has been shaped responding to the site constraints the scheme has been designed to avoid turning its back on the existing community which has resulted in development that creates a presence and frontage along Thirstin Road. In order to ensure adequate distances are met between the existing and proposed development these have been set back from the immediate road frontage providing amenity space for the residents. Taking into account the separation distances over 21m from the properties on the opposite side of the road and proposed level change, as demonstrated on the provided sections, it is considered that there will be no loss of amenity due to over dominance or bulk.
- 10.13 The proposals include regrading works to the embankment along the western boundary which could potentially affect the amenities of the future residents of the proposed dwellings as well as the amenities of users of the public right of way (PROW) which lies above the embankment. Concerns have also been received from local residents in relation to the stability of land and proposed works to the embankment which carries a PROW above.
- 10.14 Paragraphs 120 and 121 of the NPPF clearly state that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. However in this case the Council has a duty to ensure the proposals do not compromise the structural integrity of the embankment which carries a PROW. For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination /instability does not have the potential to cause harm to people or the environment ,as stated in Policy PLP 53.
- 10.15 Technical information including sections details have been submitted with the application. This indicates the extent of earth works that will be required to the existing embankment. The Council's Structures Officer's advice is that further technical information with calculations related to the works specifically relating to the proposed works on this site would need to be submitted and approved prior to the construction of any dwellings. This would be to ensure the structural integrity of the embankment is not unduly compromised and users of the PROW are not inconvenienced. The remedial and proposed stabilisation works to the embankment should set out all the agreed criteria on which the design will be based on can be addressed by the imposition of conditions suggested by Structures team.

- 10.16 With regards to the contamination, the application is accompanied with contaminated land reports. The conclusions of which are accepted by the Environmental Health Officers who advise the remaining contaminated land work/information can again be conditioned. This would require the submission of validation reports to demonstrate that the works have been completed to the agreed remediation strategy/specifications.
- 10.17 Taking all of the above into account, subject to the development being carried out in accordance with the submitted contaminated land reports, remediation strategy and further details required by Structural and Environmental Health Officers, it is considered that the development of this site can be carried out without causing unacceptable risk to pollution on health, the natural environment or general amenity, in accordance with the relevant UDP and Publication Draft Local Plan policies and guidance within the NPPF.
- 10.18 Following completion of works and to ensure the structural integrity of the regraded embankment is not compromised by future residents of the site and to safeguard the amenities of users of the PROW, it is considered necessary and reasonable to withdraw permitted development rights for development within the curtilage of dwellinghouses under Classes A, D, E and F, of part 1, schedule 2 of the General Permitted Development Order 2015, should Members approve the application.
- 10.19 With regards to the long term maintenance and management of the embankment the applicant states in an email dated 6th September, they have *“selected a solution that manages and maintains itself and the specific banking maintenance will be dealt with by an AIP under the scrutiny of Structure Officers”*. Whilst this option could be acceptable, the applicant has been advised full details of cross sections with chainage (through the site and adjacent footpath 186) along the length of the footpath and full details of proposed retaining structures and/or grades in relation to the proposed design and construction would be required through the submission of details under conditions to be approved by the LPA including an AIP (approval in principle) to be approved by the structures team.
- 10.20 In consideration of the long term maintenance and management of the regraded embankment, as well in the interests of and to ensure public safety during construction and into the post-construction phase, the long term maintenance and management of the regraded embankment would need to be set up through a management company on behalf of the future residents. The applicant is amenable to this. In this instance Officers have advised the applicant this would be required through a Unilateral Undertaking as set out in the recommendation above. Subject to this and the suggested conditions by Structures team the proposals would accord with the advice in the NPPF and Policy R13 of the Kirklees UDP.
- 10.21 **Landscape, trees & ecology issues:**
UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Also of relevance is UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

- 10.22 The most significant tree related constraint to the site comes from the canopies of trees within the adjacent woodland adjacent to the western boundary, which benefits from a preservation order. This area also forms part of the Kirklees Wildlife Habitat Network (KWHN) as designated on the DPLP. As such an appropriate tree survey to current BS standards was requested. This has been considered by the Council's Arboricultural Officer who concludes the protected trees on neighbouring land will not be affected by the development. As such the proposals would accord with UDP policy NE9 and PLP 33.
- 10.23 With regards to the KWHN the site it appears to have little ecological value, therefore the potential for significant ecological impacts arising as a result of development is limited. The Council's Biodiversity Officer recognises the banking to be regraded would provide a significant opportunity of ecological enhancement.
- 10.24 The submitted landscape proposals indicate areas to include native plant species along the full length of the embankment along the west boundary. Trees, ornamental shrubs and species rich grassland internally within the site are also shown on the submitted landscape plan. This together with the hard landscaping materials to include block pavements within drives, stone walls along Thirstin Road frontage are considered to provide a sense of closure and to retain a sense of local identity in the area. Subject to conditions requiring the landscape proposals to be carried out in accordance with these details in agreed timeframe and natural stone boundary walls to the front, the proposals would provide significant ecological enhancements consistent with the requirements of chapter 11 of the NPPF, UDP Policies BE1, BE2 and EP11 which would contribute to enhancing the green infrastructure network identified as KWHN in accordance with policies PLP30 and PLP32.

Highway issues:

- 10.25 UDP Policy T10 states that "New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network..."
- 10.26 Highway safety matters have been considered by DM Highway Officers who, other than the requirement of a pedestrian link to the village from the site, raise no objections. On assessment of the proposals Highway Officers advice is

"in this case a frontage development is proposed by the applicants. The relationship between traffic flows and road safety of streets with direct frontage access was researched against Manual for Streets. It was established that very few accidents occurred involving vehicles turning into and out of driveways even on heavily trafficked roads. Manual for streets is the current highways guidance for the design of residential developments and highways therefore have no objection to these proposals.

Off-street parking is provided with each property having at least a single garage with further off- street parking on a driveway. Whilst visitor parking would always be considered preferable, recommended parking standards do not require visitor parking for frontage developments such as is proposed for this site. The proposals to widen Thirstin Road to 7.5 metres would allow on-street parking whilst maintaining two way flows over a relatively short length which should not realistically result in any significant increase in vehicle speeds.

In addition whilst internal on site turning area would be preferable on any development Thirstin Road is not a classified road as such in this case it is not reasonable nor necessary to request internal vehicle turning areas for the private drives. Nevertheless, the layout has been amended to provide ten of the seventeen proposed plots to incorporate on-site turning areas. This is considered a significant improvement”

10.27 To summarise, officers are of the opinion the revised layout plan together with the proposals to widen Thirstin Road and provision for an adequate level of on-site parking, turning and bin storage areas as shown on the revised layout are considered acceptable from a highway perspective, and would accord with UDP Policies D2 and T10 as well as PLP 21 and Guidance in the NPPF.

10.28 Finally, it is acknowledged the current proposals would not include the provision of a pedestrian link from the site to the existing public right of way no. 186 and PROW Officers have objected to this. The applicant in response to this has stated “this is due to financial viability”. Following the assessment and conclusion of the viability appraisal which has been assessed independently on behalf of the Council, Officers consider the request for a pedestrian link to the PROW could potentially result in additional financial burdens which may result in further constraints and could protract the redevelopment of this abandoned site. In consideration of all of the above, officers on balance do not consider it necessary to request a pedestrian link from the site to the existing PROW.

10.29 **Flood risk (sequential and exceptions tests,) and drainage:**

An area of the site falls within Flood Zones 2 and 3 as shown on the map provided by the Environment Agency as a result of the presence of a culvert running through the site. The current application is submitted with the Flood Risk Assessment (FRA) which accompanied the previous application 2011/92197 and an addendum to it.

10.30 At the time of considering the 2011/92197 application it was established through the submission of newspaper articles and reports to Overview and Scrutiny Committee that it was desirable to achieving some form of development on the Thirstin Mill site, following the sequential and exception tests approach being carried out. The conclusion was the scheme would:

- deliver wider sustainability to the area which outweighs any increase in flood risk by building and providing quality homes to meet the needs of the community. The development will secure contributions to affordable housing and public open space unless it is demonstrated that it is unviable, thus offering further community benefits. The development proposed, where it detracts currently, will contribute positively to the setting of Listed Buildings and enhance the character and appearance

of the Conservation Area. In addition an ecological assessment affords mitigation and enhancement measures resulting in improved biodiversity for the benefit of the wider area

- Redevelopment of a previously developed site and the scheme proposed optimises the efficient re-use of the site delivering a high quality development which will enhance the Conservation Area and amenity of the area.
- the Flood Risk Assessment, which had been agreed by the Environment Agency, had demonstrated that the development will be safe without increasing flood risk elsewhere.

10.31 The information submitted with the current application includes the previous FRA and an updated addendum. In terms of the site location the sequential and exception tests there is no valid justification to deviate from the previous conclusion which remains as valid today as it did then.

10.32 Turning to the issues of surface water drainage and flood risk, the proposed scheme varies significantly from the previous permission. Subject to Environment Agency (EA) and the Council's Lead Local Flood Officer (LLFA) being satisfied that safe development and residual flood risk can be overcome with adequate mitigation measures however, the issues of drainage and flood risk can again be addressed.

10.33 Following concerns by the EA and the Council's LLFA, updated, additional and revised drainage details have been provided. Such details include an addendum to the previous FRA and details of a new culvert shown to run from the open channel and discharge into the manhole linked to the old original culvert. The culvert constructed in 2006 will become redundant and replaced with the new. The proposed new culvert is to ensure there is minimal impact on the amenities of the future residents of the proposed dwellings.

10.34 Following a further round of publicity and consultation the Council's LLFA has confirmed (based on the revised culvert design, site layout and flood plan) they are satisfied a suitable scheme has been proposed which demonstrates the site can be developed without increasing the risk of flood risk issues up and down stream. It would be appropriate to condition further details of a scheme detailing finalised foul, surface water and land drainage incorporating details of the submitted Flood Plan, Trash Screen Blockage 10991-01C and Bland and Swift addendum to FRA dated 11/09/2017 into the revised layout to accord with Policy PLP24, section 10 of the NPPF.

10.35 Confirmation has also been received from the Environment Agency who, on assessment of the revised proposals and additional information, raise no objections subject to their suggested conditions.

10.36 To conclude Officers are satisfied, flood risk and drainage matters can be addressed through the imposition of appropriate conditions. In addition and as advised by the LLFA there is a requirement to secure appropriate arrangements for the long term maintenance and management of the new water course and associated infrastructure. This is in order to spread the risk, and include clearing of trash screens as other aspects of watercourse maintenance and renewal as and when it is required. This is as set out in the recommendation through S106 Obligation through a management company for the future residents.

10.37 **Representations:**

Highway safety concerns/issues:

- Not a quiet residential road as stated in submitted documents
- Thirstin Road is used as an alternative route between Holme Valley and Huddersfield
- Parking on Thirstin Road is limited on an evening

Response: noted by Highway Officers

- Creation of parking spaces on Thirstin Road would narrow road & block sightlines from Thirstin Gardens with vehicles parked on road

Response: the proposals would not include parking layouts on Thirstin Road

- TRO should be imposed to prevent parking on both sides of road and traffic calming measures

Response: the proposals would provide on-site parking to accommodate the new dwellings. As such Officers consider TRO's are not necessary which would potentially result in the loss of parking for existing dwellings who do not benefit from on site parking along Thirstin Road. With regards to traffic calming measures, Highway Officers do not deem this necessary on this non classified road

- Highway safety concerns on narrow part of Thirstin Road without pavement
- Creation of drives onto Thirstin Road not safe & would create a major hazard particularly at northern end of site
- Highway infrastructure will be "congested with addition of 17 dwellings where site is centre of 2 very busy country lanes"
- No footpaths to accommodate pedestrians on Thirstin Road

Response: these issues have been considered and addressed in preceding paragraph under sub heading 'highway issues'. The proposals would include the provision of a pavement to the road frontage

- Object to pavement to front finishing at most hazardous part

Response: noted and assessed by Officers. Furthermore, it would appear the pavement proposed ends at a similar point to that approved on the previous permission. In addition due to the open water course at this end of the site and due to level changes within the site it would be very challenging to continue a pavement along this part of the site frontage.

Visual & general amenity:

- Clarity required on external facing materials
- 3 storey dwellings & design of properties proposed not in keeping with conservation area
- Contamination of the site needs to be dealt with appropriately.

Response: addressed in assessment above

- Plot 1 will block light to existing properties, in particular no. 21 Thirstin Mills from 3 storey dwellings
- loss of light, privacy and noise concerns to no. 21 Thirstin Mills

Response: The distance that would be achieved between this property and the garage of plot no. 1 would be approximately 8m. This will be increased to 13m to the three storey element. Given the changes in levels, proposed screen fencing between these two properties and a blank elevation, the impact on the amenities of the existing property is considered on balance would not be unduly affected, nor result in a significant loss of light and privacy.

- Who will be responsible for the maintenance of the banking
- What assurances are there in place for secure, safe and appropriate works to regrade the embankment
- Concerns over the stability of the embankment which carries a PROW

Response: addressed in assessment above

- Street lighting will affect wildlife & existing residents

Response: Officers opinion is that street lighting would not adversely impact on ecological impacts within or outside the site.

Flood risk/drainage issues :

- Flood risk to existing properties along Thirstin Road (nos. 56, 58, 60, 62, 64, 29 & Dye Works
- main sewers exceeded its capacity in area

Response: See assessment above. In addition, in view of the revised and additional information, the Councils LLFA and the Environment Agency have raised no objections subject to proposals being carried out in accordance with their suggested conditions. YW comments are awaited on the revised details. Their comments will be reported to Members at the committee meeting or in the update. In view of this Officer are of the opinion the proposals can be accommodated on this site without increasing flood risk and drainage issues on surrounding land or nearby existing neighbouring properties.

Other issues/concerns:

- Out of date tree survey

Response: The Council's arboricultural did not deem it necessary nor reasonable to request an updated tree survey as the proposals are considered would not impact on the mature trees beyond the western boundary, which form part of the woodland and KWHN.

- Outdated reports (trees Habitat survey)

Response: Although the report would be considered outdated in normal circumstances, site clearance has been undertaken, and given the current site condition and its location within the landscape, it is not considered to be proportional to request updated ecological information

- To restrict period in which to start work on site to 1 year

Response: Can be considered by Members

- This is a greenfield site not brownfield

Response: Officers opinion is this is a brownfield site

- Consideration should be given to the size of vehicles accessing the site

Response: Noted, however it would not be enforceable nor precise to impose such a restriction.

- Considerations should be given to road surfacing and cutting back of overhanging branches which minimises the width of road

Response: The proposals outside the site frontage would result in such works to be carried out.

- No attempt by the applicant to meet local residents

Response: Noted but there is no legal requirement for an applicant to meet with local residents.

In support

Pavement along with removal of parking along Thirstin Road and road widening as shown on revised layout plan welcomed

Comments are also received from local ward Councillor Charles Greives, who along with request for Members to make a site visit states:

I'm fine with developing the site and residents just want them to start and finish as quick as they can, but there are a few issues that I think need to be addressed:

- Retention of banking and ongoing ownership and maintenance - we don't want it !
- Off site POS - we don't want any on-site so any leftover land needs to go with the houses.
- Height and position of properties - some are 3 storey will there be overlooking or privacy issues ?
- This is not a quiet backwater but a busy cut through.
- On street parking needs to be on the opposite side of the road only - and not block existing access Can all the houses be served by an estate road so as to turn the houses around and prevent direct access to Thirstin Road?
- We need to ensure there is sufficient and easy to use off-street parking for new residents and visitors. Can they turn on their drives or will they need to turn on the road - this will be dangerous due to traffic Are the sight lines for plot 17 acceptable

Response: addressed in assessment and in representations above

10.38 **Planning obligations & Housing issues:**

The NPPF states that (Paragraph 49) that “housing applications should be considered in the context of the presumption in favour of sustainable development.” The Government has stated in the NPPF that there are three dimensions to sustainable development: economic, social and environmental. These matters are considered elsewhere in this assessment however the proposals to provide an addition of 17 dwellings will make a small contribution to housing provision in the Kirklees borough and make efficient use of a previously developed site where the redevelopment of which appears to be stalled for some considerable time, despite having previously been granted permission.

10.39 The application was accompanied with a Financial Viability Appraisal. This has been reviewed independently on behalf of the Council. The assessor concludes in order to achieve 20% developers profit level, in this scheme with the requirement to include the S106, Metro Card and Affordable Contribution elements, the scheme becomes unviable.

10.40 Officers view is that 20% profit level would be reasonable on this site which has a number of identified constraints and moreover it is also recognised the implementation of the previous permission has not been accomplished due to financial constraints resulting in the site lying dormant for a number of years. In light of this no affordable housing, POS and metro card contributions would be sought.

10.41 **Other matters:**

Land contamination

UDP Policy G6 and PLP 53 states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. The Local Planning Authority should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates a necessary remediation and subsequent management measures to deal with an unacceptable risks. Remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use.

10.42 The former uses of the site may have resulted in ground contaminants which need to be dealt with. The application is accompanied by A Phase I Geo-environmental investigation report which was submitted with application no. 2011/92197.

10.43 On assessment of these reports Environmental Health Officers advice is that the remaining contaminated land work/information be conditioned to ensure the adequate remediation and validation is carried out to demonstrate that the works will be completed to the agreed specifications. It is also advised that as a hydrocarbon resistant gas membrane is to be installed, a higher standard of validation will be required. An advisory notes to this effect along with the suggested conditions including a condition to address the contamination previously not identified will be included on the decision notice, to accord with UDP Policy G6, PLP53 and guidance within the NPPF.

Air Quality

10.44 Although there are no known Air Quality issues in this specific location, in order to improve Air Quality throughout Kirklees and in accordance with the West Yorkshire Low Emissions Strategy, Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF a condition will be imposed to provide electric charging point on each plot to promote the use of electric vehicles and to ensure the cumulative impacts on air quality from individual sites is considered.

Conclusion:

11.1 The proposals would help provide additional housing in the borough and design would help improve the character and quality of the area whilst safeguarding residential amenity and highway safety with the widening of the road and provision of footway along the site frontage. Officers are of the opinion the proposals have responded and been designed considering the identified constraints resulting in a more viable scheme, when compared to the previous permissions. This would potentially facilitate the redevelopment of a site that has been lying dormant for a number of years due to amongst other issues associated financial constraints.

11.2 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.

11.3 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.

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

1. 3 year Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Landscape scheme to be implemented in accordance with submitted scheme and to be retained for 5 years
5. Development to be completed in accordance with sections provided showing relationship with neighbouring properties
6. Vehicle parking areas to be surfaced and drained in accordance with details to be submitted
7. A scheme detailing the footway to be provided along Thirstin Road
8. Bin storage area to be provided prior to occupation of development in accordance with revised plan
9. Highway works conditions
10. Details of drainage proposals to include proposed means of disposal of surface water drainage, the new watercourse within the site, any balancing works and off-site works as suggested by the Council's LLFA
11. Environment agency conditions
12. Yorkshire Water conditions
13. details of regrading works to embankment along western boundary
14. Details of temporary and permanent retaining walls
15. Works to be carried out in accordance with submitted Phase I Geo-environmental investigation report
16. Details of remediation and validation strategy /reports
17. Provision of electric vehicle charging points
18. Removal of permitted development rights
19. Construction Management Plan

Background Papers:

Application and history files – see assessment above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93243>

Certificate of Ownership –Certificate A signed by agent :