
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 22-Feb-2018

Subject: Planning Application 2017/93846 Demolition of existing public house and erection of 32 residential dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield, HD3 3FG

APPLICANT

Newett Homes

DATE VALID

08-Nov-2017

TARGET DATE

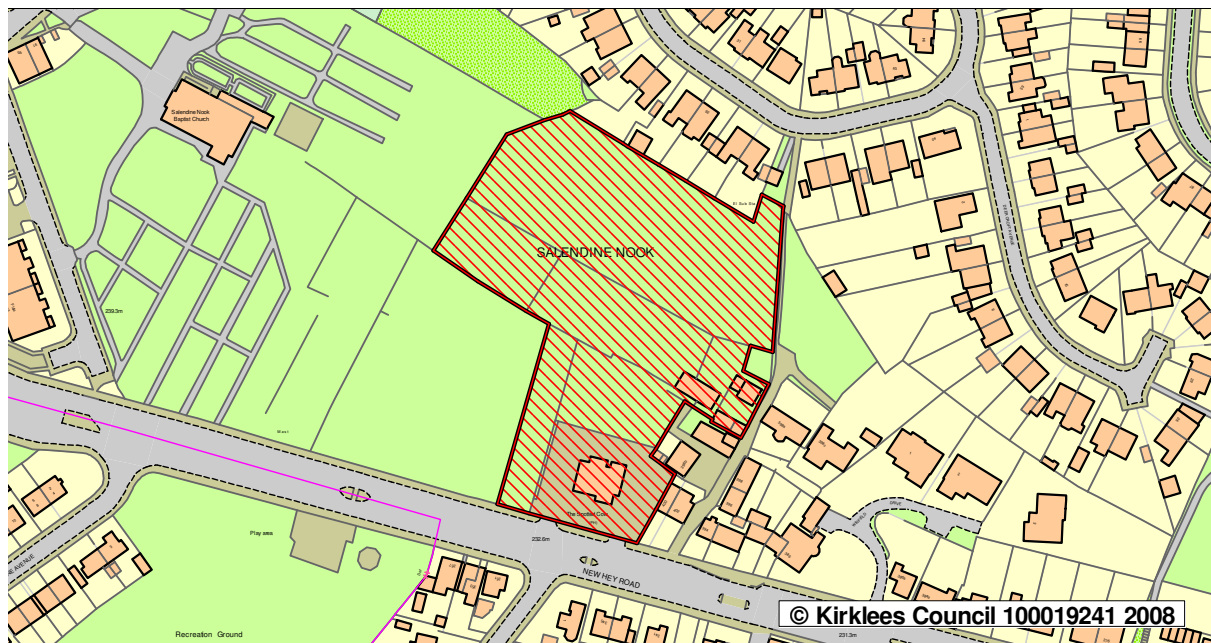
07-Feb-2018

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
(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, including those contained within this report and to secure a S106 agreement to cover the following matters:

- **The provision of affordable housing (five units); and**
- **The provision of an off-site contribution towards Public Open Space of £85,100,**
- **Education contribution of £79,074**
- **Bus stop improvements £10,000 ;and**
- **METRO Card contribution of £15,840 (bus only cards).**

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 proposal is brought to Committee as the site is in excess of 0.5ha, and in part, represents a departure from Policy D5 of the development plan.

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 are 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 open space to the rear are allocated as Provisional Open Land and Safeguarded land in the Emerging Local Plan

3.0 PROPOSAL

- 3.1 Full permission is sought for the erection of 32 no dwellings, a mixture of detached, semi-detached properties and a single terrace of three dwellings. These would comprise: 15 no 4 bed; 14 no 3 bed and 3 no 2 bed units.
- 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 Deercroft Crescent and on the western parts of the site. On a previous scheme that has been presented to and agreed by this Committee for 26 no dwellings (2017/90602), the retaining wall is approx. 9m in height, with garden areas at ground floor levels. The current scheme has a different rear garden arrangement for the properties backing onto Deercroft Crescent. The extent of the retaining structure is reduced significantly with rear garden access being provided to a small patio area, then steps to first floor garden level, with deck access from the first floor into the garden area. The garden areas are still at a significantly lower level than those on Deercroft Crescent. The altered retaining wall structure has a reduced impact on public footpath to the east of the site.
- 3.4 The number of dwellings proposed has been increased from 26 to 32. The accompanying design and access statement sets out that this is due to changes in house types allowing more space for additional units; principally to the rear of the site. This would also increase the number of affordable units from 4 to 5 to address this increase. The overall density of development would increase to 27 dwellings per hectare from 22 dwellings per hectare.
- 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 2017/90602. Erection of 26 no dwellings- resolution to approve at Sub-Committee on 31st August 2017 subject to a Section 106 to provide 4 no affordable houses; Education contribution and off site payment for POS. - Decision not yet issued.
- 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 (including revisions to the scheme):

- 5.1 Additional clarification on parking arrangements has been requested and received.
- 5.2 Provision of cross section drawing to demonstrate the relationship of dwellings and garden areas to properties on Deercroft Crescent.
- 5.3 Amendments to front garden and parking areas of plots 10-22, increasing the amount of garden and landscaped areas in front of those dwellings.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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 Contaminate land
NE9 Retention of mature trees
T10 Highways safety
T19 Parking standards
H10 Affordable housing

H18 Provision of open space
EP4 Noise sensitive development

Supplementary Planning Guidance / Documents:

- 6.3 Councils Interim Affordable Housing Policy.
Education needs generated by development.
West Yorkshire Low Emissions Strategy

Publication Draft Local Plan (submitted for examination April 2017)

PLP1 Achieving Sustainable Development
PLP2 Place Shaping
PLP3 Location of new development
PLP 6 Safeguarded land
PLP11 Housing mix and affordable housing
PLP22 Parking
PLP24 Design
PLP28 Drainage
PLP33 Trees
PLP Education and health care needs
PLP52 Protection and improvement of environmental quality
PLP63 new open space

6.4

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
Part 11 Conserving and enhancing the natural environment

National Planning Practice Guidance- Vacant Building Credit

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application has been publicised by site notice and neighbour letters.

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

- The loss of the field will have a negative effect on the wildlife in the area, including bats, foxes, owls and hawk.
- The dwelling to the rear and above the site have drainage problems in the rear gardens. New dwellings at a lower level could experience problems when built and occupied.
- The previous scheme contained a large 8m retaining wall, this scheme has a considerably smaller retaining structure, The finished height of the units behind properties on Deercroft Crescent will be 6 feet higher than previously.

- The extra dwellings will result in additional traffic movements on an already busy road and junction.
- Concern at the increase in traffic at the new entrance close to the school
- The Doctors Surgeries in the area are oversubscribed.

Cllr Cahal Burke

“I am concerned about the existing planning proposal. I am concerned about the over-development of the site, and the increase in density from the previous planning application. I am also concerned about the lack of affordable provision as part of the proposal. While the scheme may be 'policy compliant', it has done so by utilising the Vacant Building Credit, as a result of the demolition of the former Spotted Cow pub. I am also concerned that the scheme will result in increased traffic in the area. While the highway network is considered as 'capable of accommodating the likely vehicular movements associated with the site', the reality for residents living in the area is that the scheme will result in more cars on the road and more congestion. There has been significant development in Lindley in recent years, and I share concerns with other residents that Lindley does not have the facilities and infrastructure to accommodate the increase in population. Finally, I am concerned that a number of trees on site will need to be removed, including trees with TPOs. I am concerned about the negative local impact of the scheme, and for the reasons outlined”.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways- Amended plans have been received addressing issues regarding parking/ visitor parking issues surrounding plots 23-25, and identifiable bin collection areas. Recommend conditions.

Consultation has been undertaken with the West Yorkshire Combined Authority, and a request for contributions towards

- METRO Cards (bus only)-£15,840; and
- provision of bus shelter for stop 22484-£10,000

KC Lead Local Flood Authority – 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 the provision of electric charging points

KC Education Services. A financial contribution of £79,074 is required in this case. This should be secured through a Section 106 Agreement.

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

KC Environment Unit- The scheme has included an Ecological Survey. The trees on the boundary of this site are protected and have potential for bat foraging, and there is a potential bat roost on the adjoining site. As such mitigation measures would be appropriate which in addition to safeguarding the trees,

KC Landscape and Parks- Express concern at the potential loss of the greenspace. However in the event of an approval policy H18 would be applicable. In this case an off-site contribution of £85,100 towards upgrading neighbouring play facilities would be acceptable.

Police Architectural Liaison Officer- No objections to this application.

Yorkshire Water: recommend conditions regarding foul and surface water disposal. Make reference to surface water disposal hierarchy before proposing connection to public sewer.

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 in 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

- 10.13 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. The Examination commenced in October 2017 and is proceeding. 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.

- 10.14 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).*

10.15 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.

10.16. The overall development comprises 32 dwellings, with only 22 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.

10.17. 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

10.18 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.

10.19 The scheme provides 32 no dwellings and, in accordance with the Interim Affordable Housing Policy, 20% of the units would be required to be affordable. This equates to 6 no. 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 5 units. The applicants have offered 5 no affordable units, which is a policy compliant offer.

10.20 An off-site contribution of towards improvement of £85,100 is required towards existing open space area and an Education contribution of £79,074 is also required.

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 32 no dwellings at a density of just over 27 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 retaining structure 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 structure 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 29 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 32, 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 23 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. The finished ridge height if the proposed dwellings is only marginally higher than the rear gardens on Deecroft Crescent but lower than the garden fencing at the end of those gardens. All habitable windows and garden areas are significantly below this and no overlooking issues occur.
- 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 32 no dwellings on land adjacent to Former Spotted Cow public house would be served off the A640 New Hey Road. The 32 Dwellings are a mixture of 15 no 4 bedroom 14 no 3 bedroom and 3 no 2 bedroom units both detached, semi-detached and terraced properties.
- 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 junction radius and footways returned into the site and relocation of the existing traffic island.
- 10.32. The number of dwelling has been increased for this application with the internal layout to remain comparative of the previous approved application (2017/90602).
- 10.33. West Yorkshire Combined Authority have been consulted on part of the proposals and have the following comments.
- 10.34 The site is located within the recommended 400m from the nearest bus routes that operate on New Hey Road. A pragmatic approach is taken to walk distances to take the size and location of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop. Bus services which operate on New Hey Road include the 537 which operates between Huddersfield and Halifax at a 60 minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route of frequency.
- 10.35 The closest bus stop on this corridor 22485 does not have a shelter. As part of this scheme, a bus shelter could be provided at the above named stop at a cost of £10,000 to the developer to improve the public transport offer. In addition a Real Time Information display could be provided at the above named bus stop at a cost to the developer of £10,000. These issues will be discussed with the applicant and any outcome reported to committee in the update. At the present time the cost of the bus stop improvement (not Real Time Information display) is proposed to be achieved as part of the Section 106 Obligation.

- 10.36 To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted Metro Cards (Residential MetroCard Scheme-RMC) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Kirklees Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £15,840.00. This equates to bus only Residential METRO Cards. This issue will be discussed with the applicant and any outcome reported to committee in the update. At the present time the cost of Residential METRO cards is proposed to be achieved as part of the Section 106 Obligation.
- 10.37 The proposed internal layout and parking provision (dwg no 1640.01 rev L) is considered acceptable in principle, subject to minor amendments for the parking provision of the 2 bedroom dwellings (2 spaces per unit) and detailed design including approval of gradients and landscaping (both to be subject to conditions)
- 10.38. There is currently a public right of way (PROW ref HUD/367/10) running adjacent to the north east of the site, detailed design and 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

- 10.39 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.
- 10.40 In addition to the Flood Risk Assessment the applicants have produced a Drainage Strategy that is largely welcomed by the Lead Local Flood Authority. Surface water flood routing throughout the site can be satisfactorily achieved, but will necessitate a marginal increase in floor levels for plots 4-10 and methodology of protecting plots 2-3 and 25-26 which will be conditioned.
- 10.41 Additional information about the line/route of the watercourse has been requested, although this has been addressed as part of the previous submission on the site 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.
- 10.42 The drainage issues on this site can be satisfactorily addressed, and can be secured by the imposition of appropriate conditions.

Bio-diversity

- 10.43 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

- 10.44 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 5 no dwellings nearest to New Hey Road.
- 10.45 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.
- 10.46 Air Quality. Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy and emerging Policy PLP24, a condition requiring the provision of electric charging points is recommended.
- 10.47 The Police Architectural Liaison Officer is supportive of the 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.
- 10.48 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".

Representations

- 10.49 Two public representations have been received regarding this application. Below are responses to these representations:
- The dwelling to the rear and above the site have drainage problems in the rear gardens. New dwellings at a lower level could experience problems when built and occupied.
Response: the application is accompanied by a flood risk assessment which includes a section to assess whether the proposals will increase the risk of flooding elsewhere. This considers that the development would not displace flood water and that surface water flow from the site can be managed to an acceptable level. No objections to the principle of development have been raised by the Lead Local Flood Authority, but this is subject to the imposition of planning conditions.

- The loss of the field will have a negative effect on the wildlife in the area, including bats, foxes, owls and hawk.
Response: *the trees on this site have been retained as part of the development and bio diversity enhancement measures are also recommended.*
- The previous scheme contained a large 8m retaining wall, this scheme has a considerably smaller retaining structure, the finished height of the units behind properties on Deercroft Crescent will be 6 feet higher than previously.
Response: *as set out in the design and access statement, despite the alterations to the rear gardens of plots 10-22 this will not result in changes to the height or levels of dwellings. The change is principally achieved by level garden areas being accessed from the first floor of the dwellings.*
- The extra dwellings will result in additional traffic movements on an already busy road and junction.
- Concern at the increase in traffic at the new entrance close to the school;
Response: *An amended transport statement has been submitted with this proposal, and amendments to the proposed access have been previously agreed as part of the previous planning application for 26 dwellings. It is considered the increase in traffic movements from 6 additional dwellings on the site would not have a material impact on highway safety issues on New Hey Road.*
- The Doctors Surgeries in the area are oversubscribed.
Response: *As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for the health centre based on any increasing in registrations at the practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL)*

10.50 Ward Cllr Cahal Burke has objected to the application. The reasons for this are set out in paragraph 7.1 above. The matters raised have been addressed in the appraisal.

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, POS, Education and Sustainable Travel 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 approved plans
3. Landscape Scheme and maintenance (include scheme and future maintenance responsibility for the area between Plot 1 and New Hey Road).
4. Protection of trees during development
5. Submission of arboricultural method statement
6. Samples of materials (natural stone for some dwellings fronting New Hey Road);
7. Boundary Treatments, including retaining walls
8. Drainage conditions:-
 - a- In accordance with the FRA and Drainage strategy (subject to course of watercourse)
 - b- Run off rates
 - c- Surface water flood routing
 - d- Finished floor levels
9. Environmental Health :-
 - a-Noise attenuation
 - b-Remediation/ decontamination
 - c-provision of electric charging points
10. Highways conditions
 - a- Right turn lane;
 - b- Areas to be surfaced and drained
 - c- Internal adoptable road
 - d- Closure of existing access
 - e- Retention of PROW and retaining wall
 - f- Method of storage and access to waste

11. Construction Management Plan

12. Bio- diversity enhancement measures

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93846>

Certificate of Ownership, Certificate B – Notice served on Mr Simon Rowel, Alexander Development Ltd, 44 Spinners Hollow Ripponden on 27th October 2017.