
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2018/90192 Erection of 21 dwellings Land adjacent to 8 Miry Lane, Netherthong, Holmfirth, HD9 3UQ

APPLICANT

Stewart Brown, Yorkshire
Country Properties Ltd

DATE VALID

26-Jan-2018

TARGET DATE

27-Apr-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: Holme Valley South

Yes

Ward Members consulted

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:

1. Provision and maintenance of on-site Public Open Space.
2. Two Affordable Rent and two Intermediate units, or an alternative tenure mix including Starter Homes (subject to evidence and negotiation with officers).

In the circumstances where the S106 agreement has not been completed within three 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 is an application for full planning permission for the erection of 21 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the proposed development relates to Provisional Open Land (Policy D5 of the UDP), and includes fewer than 60 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.03 hectares in size and slopes downhill from north (225m AOD approx.) to south (200m AOD approx.).
- 2.2 No buildings exist within the site's boundaries, and the site is not previously-developed (brownfield) land. Tree Preservation Order (TPO) 12/75/a7 protects several oak, hawthorn, holly and ash trees along the site's western edge on Miry Lane.
- 2.3 Surrounding uses are residential to the east and south, and agriculture to the north and west. The neighbouring residential properties of St Mary's Rose, St Mary's Way and Miry Lane date from the 20th century, and are a mix of bungalows and 2-storey dwellings (some detached, some semi-detached) in a suburban layout.

- 2.4 Miry Lane is narrow and has no pavements. A claimed public right of way (HOL/dmmo app200/10) runs east-west across the site between St Mary's Rise and Miry Lane.
- 2.5 The site is not within a conservation area, however the Netherthong Conservation Area covers land approximately 40m to the south of the site, and the site is visible from this conservation area. Approximately 185m to the north of the site is the boundary of the Oldfield Conservation Area. There are no listed buildings immediately adjacent to the application site, however there are listed buildings within both the nearby conservation areas. Undesignated heritage assets in the area include dry stone walls and field patterns.
- 2.6 A Provisional Open Land designation in the Kirklees Unitary Development Plan covers the site. The site is allocated for housing in the emerging Local Plan.
- 2.7 In relation to wildlife, the site is within an SSSI Impact Risk Zone, while land to the west is with a Wildlife Habitat Network. Further to the west is the Holmroyd Wood ancient woodland and Local Wildlife Site.

3.0 PROPOSAL:

- 3.1 Permission is sought for residential development of the site. The proposed 21 residential units would comprise:
- 4x 1-bedroom terraced dwellings.
 - 1x 2-bedroom terraced dwelling.
 - 6x 3-bedroom terraced dwellings.
 - 6x 4-bedroom detached and semi-detached dwellings.
 - 4x 5-bedroom detached dwellings.
- 3.2 12 different unit types are proposed. A mix of 2- and 3-storey elevations are proposed. Integral garages are proposed to most dwelling types. Pitched roofs are proposed to all dwellings, and external materials would include coursed natural stone, blue slate roofs, and grey PVC doors and windows. Boundary treatments would be drystone wall and timber fences.
- 3.3 The 21 residential units would be arranged around a serpentine new road that would be accessed from Miry Lane at the southwest corner of the site. Footpath connections are proposed into the site from Miry Lane and St Mary's Rise. The northernmost stretch of the new road has not been designed for adoption. Parking spaces are proposed for all residential units. A communal refuse store is proposed adjacent to unit 21.
- 3.4 Some regrading and levelling is proposed, with retaining walls proposed in some locations.
- 3.5 A sycamore tree, nearby shrubs, and a section of dry stone wall would be removed to enable the provision of vehicular access from Miry Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2013/93081 – Application for outline planning permission for 18 dwellings withdrawn.

4.2 2014/92737 – Outline planning permission refused on 26/08/2015 for the erection of 5 dwellings. Application related to the southernmost part (approximately 0.45 hectares) of the current application site. The refusal reasons were:

- 1) The proposal would result in an intensification of use of a substandard road network along Miry Lane which is considered to be too narrow and too steep in gradient to safely serve the further dwellings shown to be accessed from it. Although the proposed scheme does include localised widening of Miry Lane this does not overcome the wider highway safety concerns related to the existing nature of Miry Lane. Accordingly it is considered the proposal would not be in the best interests of highway safety and would be contrary to Unitary Development Plan Policy T10 of the Unitary Development Plan.
- 2) The formation of the access onto Miry Lane would result in the loss of part of the holly hedgerow, trees, stone walling and grass verge which would change the character of and detract from this tranquil and rural gateway which defines this approach into Netherthong. The proposals would thus fail to retain a sense of local identity and detract from the characteristics of this area, contrary to Policies BE1 (i) and BE2(iv) of the Unitary Development Plan and guidance in the Section 7 of the National Planning Policy Framework.

4.3 The above application was subsequently granted at appeal on 01/06/2016.

4.4 2015/90580 – Application for outline planning permission for 7 dwellings and 2 site access points (from St Mary's Rise and St Mary's Way). Application related to part (approximately 0.61 hectares) of the current application site. At the 30/07/2015 meeting of the Strategic Planning Committee, Members resolved to grant outline planning permission, however the necessary Section 106 agreement was never completed, and the council's decision was not issued.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Amended layout plans were submitted during the life of the application, showing a pedestrian connection from St Mary's Rise. Dwelling locations and footprints were also revised. Additional information regarding the proposed on-site Public Open Space, trees and highways was submitted, as were revised floor plans for units 01 to 08.

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 The site is Provisional Open Land. Land to the north and west is within the green belt.

6.3 Relevant policies are:

- G4 – High standard of design
- G5 – Equality of opportunity
- G6 – Land contamination
- D5 – Provisional Open Land
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE5 – Conservation areas
- BE11 – Building materials
- BE12 – Space about buildings
- BE21 – Open space accessibility
- BE22 – Accessible parking
- BE23 – Crime prevention
- EP3A – Culverting and canalisation
- EP4 – Noise sensitive development
- EP10 – Energy efficiency
- EP11 – Landscaping and ecology
- EP30 – Prolonged construction work
- T1 – Transport priorities
- T2 – Highway improvements
- T10 – Highway safety
- T14 – Pedestrian safety
- T16 – Pedestrian routes
- T17 – Cycling
- T18 – Strategic pedestrian and cyclist routes
- T19 – Parking standards
- H1 – Housing needs
- H10 – Affordable housing
- H12 – Affordable housing arrangements
- H18 – Open space provision
- R6 – Public open space
- R9 – Allotments
- R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is proposed to be allocated for Housing. It is within the proposed Green Infrastructure Network (Holme Valley Corridor), and a Biodiversity Opportunity Zone (Valley Slopes). The green belt designation of land to the north and west is proposed to be retained. Land to the west is within a proposed Wildlife Habitat Network.

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational Needs Generated by New Housing
- Kirklees Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees District Landscape Character Assessment (2015)
- Kirklees Housing Topic Paper (2017)
- Kirklees Council Housing Allocations Policy (2017)
- Accessibility Assessment (2015)
- Oldfield Conservation Area Character Appraisal

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 4 – Promoting sustainable transport

- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 28/02/2018.

7.2 To date, 58 representations have been received from occupants of 48 properties. The following is a summary of the concerns raised:

- Objection in principle, and to increase from five to 21 units.
- Brownfield sites should be developed instead.
- Unsustainable location for development. Netherthong lacks public transport and other facilities.
- Many houses already for sale in Netherthong. More houses not needed.
- Too many units proposed.
- Highways safety impacts. Miry Lane is narrow and drivers already speed. Lack of pavements to new road. Inadequate sight lines. Speed bumps needed. Access for emergency services would be obstructed.
- Increased traffic. Local roads already congested. Netherthong is impassable. Construction work already taking place nearby, and causing problems.
- Development would block route of right of way that has been applied for. Planning application should not be determined before right of way matter has been considered.
- Objection to footpath connection with St Mary's Way.
- Design objections. Three storeys inappropriate next to bungalows. Proposed dwelling designs are not in keeping with adjacent properties. Development too dense at southern end of the site.
- Conservation area impacts.
- Village is losing its identity.
- Neighbour amenity impacts. Overlooking and overshadowing of properties on Miry Lane. New dwellings would tower over existing dwellings.
- Wildlife impacts. Light pollution would affect habitats.
- Loss of ancient hedgerow.
- Existing trees would be enclosed in private gardens.
- Loss of green space.
- Loss of sledging field.

- Potential damage to wall at rear of 8 Miry Lane.
- Impacts on local drainage. Flooding already occurs.
- Impact upon sewage system.
- Impact upon electricity supply.
- Impact upon broadband speeds.
- Impacts on local facilities. Local school is already oversubscribed. Difficult to get appointment with GP.
- Lack of information regarding proposed levels.

7.3 Responses to these comments are set out later in this report.

7.4 As the proposed development has been amended since initial consultation was carried out, reconsultation letters were issued on 16/03/2018, with the end date for publicity set as 26/03/2018. Any further responses received following the publication of this report will be reported to the Sub-Committee in an update or verbally.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Cross sections of widened Miry Lane required. Swept path diagrams required to demonstrate that a Kirklees Council refuse vehicle can pass a car around the development's acute bends. Bin carry distances would be exceeded for units 18 to 20. Parking space 1 is sited too close to the junction with Miry Lane. The visitor parking spaces opposite unit 13 should be redesigned to provide adoptable parallel parking spaces. An assessment of the impact of the traffic generated by this development on the Miry Lane / Dean Brook Road / Dean Avenue / Giles Street junction required, and should refer to the approved development ref: 2014/91533. Any retaining features affecting the highway will require formal technical approval by the council.

KC Strategic Drainage – The Lead Local Flood Authority (LLFA) has agreed that the principles of the proposed drainage scheme are acceptable, but have requested further information, assurances, and calculations. Further information and comments of the LLFA will be reported to the Sub-Committee in an update or verbally.

Yorkshire Water – Conditions recommended regarding drainage for foul and surface water. The submitted Flood Risk Assessment will require clarification at conditions stage – specifically, applicant should clarify why surface water cannot discharge directly into the watercourse. The site is currently undeveloped and no surface water is known to have previously discharged to the public sewer network. The public sewer network does not have capacity to accept an unrestricted discharge of surface water.

Holme Valley Parish Council – Support the application, subject to Kirklees Council Highways Development Management being satisfied.

8.2 **Non-statutory:**

KC Trees – Insufficient tree information has been provided. Supporting plan for tree survey, and information regarding tree protective measures, needed. Footpath to Miry Lane is of concern as it would pass beneath protected trees. Query how footpath could be constructed while avoiding damage to protected trees. Some proposed properties, roads and hard surfaces may be too close to the trees. Arboricultural method statement (in accordance with BS 5837) needed at application stage. Applicant has not demonstrated that the proposal complies with UDP policies BE2 and NE9 or emerging Local Plan policies PLP24(i) and PLP33.

KC Environmental Health – Recommend conditions regarding site contamination and provision of electric vehicle charging points. Construction noise should be limited to specified hours.

Police Architectural Liaison Officer – Footpath along eastern boundary of site (between 7 St Mary's Rise and proposed unit 17) could increase risk of crime and anti-social behaviour affecting these dwellings, as it would create a passage hidden behind tall garden fencing. This path should be removed from the proposals, as any benefits of having it would be outweighed by its disadvantages. For other footpath links from St Mary's Rise and St Mary's Way, these should be wide and should run directly into the proposed new road layout in full view of units 8, 13, 17 and 18 to ensure the footpaths are well overlooked and do not provide opportunities for hiding and loitering close to dwellings. Detailed design advice also provided.

KC Strategic Housing – Application welcomed. Within Kirklees Rural (West) there is a significant need for affordable 1- and 2-bedroom units, as well as a need for affordable 1- and 2-bedroom housing specifically for older people. Kirklees Rural (West) has some of the highest-priced housing in Kirklees. It is a popular location, with 15% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Affordable housing allocation for this development would be four units. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions, therefore for this development two Affordable Rent and two Intermediate dwellings would be required.

KC Ecology – Site is within an SSSI Impact Risk Zone, however consultation with Natural England is not necessary in this case. Preliminary Ecological Appraisal would generally not be adequate to support a planning application where further survey or mitigation is required, or where the development would result in significant ecological impacts. Latest proposed layout appears to protect the existing veteran trees. Provision of buffers presents an enhancement opportunity through native planting. Much of the boundary is proposed for hedgerow planting, which is welcomed. Bat and bird boxes should be provided. Recommend conditions to secure an Ecological Design Strategy, and lighting design strategy.

KC Public Rights of Way – Footpath proposals have improved, but would not be 2m wide in all places – justification for this should be provided. Long and cross sections of the footpaths should be provided along with details of boundary treatments and retaining structures, construction details, and maintenance responsibility information.

KC School Organisation and Planning – Proposed development would not generate a Section 106 education contribution.

KC Landscape – Although a natural plan area and footpath would be provided, Public Open Space is being squeezed in and would really be a strip of landscaping underneath protected trees. That said, the proposed footpath would be beneficial. Proposed play area would be off-street, but would need to be maintained well due to it being located beneath trees, which brings issues relating to sap, algae growth, leaf litter and debris, and timber becoming slippery. Seating may become a cause for nuisance if people gather there in the evening, but removal of seating is not recommended. Clarification required regarding gradients of natural play area. Planting between unit 09 and new footpath would be oppressive if it grows too close to the footpath. Queried to what height the planting would be maintained.

9.0 MAIN ISSUES

- Principle of development
- Urban design and conservation issues
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees and landscaping
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees (discussed below) is a material consideration relevant to applications for residential development. Weight can also be attached to the draft policies of the emerging Local Plan.
- 10.3 Outline planning permission for five residential units (in part of the site) was granted at appeal in 2016 under application ref: 2014/92737. That permission remains extant, is therefore a fallback position in the form of an extant permission that can be implemented, and is a material consideration relevant to the consideration of the current application.

- 10.4 The starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.5 The NPPF is a Government-issued statement of national planning policy, and is therefore considered an important material consideration, particularly in cases where there are UDP policies that are out-of-date or inconsistent with the NPPF. Paragraph 215 emphasises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.6 The NPPF seeks to boost significantly the supply of housing. Paragraph 47 of the NPPF sets out how local planning authorities should meet the full objectively-assessed needs for market and affordable housing. This requires a range of measures including identifying a deliverable five-year supply of land for housing. Paragraph 49 adds that housing applications should be considered in the context of the presumption in favour of sustainable development, and that 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.
- 10.7 As noted in recent appeal decisions, Kirklees is not currently meeting (by a substantial margin) the requirement to identify a five-year supply of housing land. This is important in the context of paragraph 14 of the NPPF which states that, in relation to 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 absent, silent or relevant policies are out-of-date, granting permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.8 As the council is unable to demonstrate a five-year housing land supply as required by paragraph 49 of the NPPF, relevant UDP policies relating to housing are considered to be out-of-date. The housing land supply shortfall is not marginal – it falls below three years and is therefore considered substantial. Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites against the relevant NPPF requirement.
- 10.9 The borough's housing supply record of recent years is also a relevant consideration. This is set out in the council's Housing Supply Topic Paper (2017), where Kirklees's persistent under-delivery is detailed.

10.10 Given this situation regarding housing land supply, with regard to this application and the presumption in favour of sustainable development, the NPPF states that planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.11 The site was designated as Provisional Open Land (POL) in the UDP in 1999, and this designation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. Policy D5 of the UDP states:

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 longer term.

10.12 With regard to the designation of the site as POL, UDP policy D5 is not considered to be a policy for the supply of housing (with reference to NPPF paragraph 49), and is considered to be up-to-date. The proposed development does not comply with UDP policy D5 as it does not comprise development required in connection with established uses, or the alternative open land uses or temporary uses referred to in the policy. The proposed development constitutes a departure from the development plan.

10.13 As noted above, the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. If the emerging Local Plan was to be adopted in its current form, the council would be able to demonstrate a five-year housing land supply. The site is allocated for housing in the emerging Local Plan (site reference: H130). Given that the examination in public of the Local Plan is underway, consideration needs to be given to the weight to be afforded to draft policies, and in particular draft site allocation H130.

10.14 Paragraph 216 of the NPPF sets out what weight can be given to 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 the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

10.15 The above is further supplemented by paragraph 014 (reference ID: 21b-014-20140306) of the Government's Planning Practice Guidance, which 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 NPPF and any other material considerations into account. Paragraph 014 adds that 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 Given the scale of the development proposed (when assessed against the wider context of the emerging Local Plan), it is considered that the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and limited strategic importance (in terms of housing delivery), is not considered to be central to the delivery of the Local Plan. With regard to the current stage of preparation of Local Plan, it is noted that an advanced stage has been reached, which would suggest considerable weight can be afforded to its policies. However, it is also noted that there is an unresolved objection to site allocation H130, which reduces the weight than can be afforded to it. Given these considerations, it is considered that limited weight can be afforded to the draft site allocation in this case.
- 10.17 In conclusion regarding the principle of development, given the pressing need for housing, the current situation regarding housing land supply in Kirklees, the relevant paragraphs of the NPPF detailed above, the draft site allocation, and the previous approval of outline planning permission at part of this site, there clearly are material considerations that – together – carry significant weight, and that justify approval of planning permission. With reference to NPPF paragraph 14, the adverse impacts and benefits of the proposed development are assessed throughout this report, and further conclusions on the balance of planning considerations are drawn in its closing paragraphs.
- 10.18 The above conclusion is supported by the fact that the application site is a suitable location for residential development in relation to sustainability, being located at the edge of an existing settlement, relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.19 Officers' recommendation to accept the principle of development at this greenfield site, however, is not given lightly. If this site is to be released for development, public benefit must be clearly demonstrated, and high quality development will be expected. These matters are addressed later in this report.

Urban design and conservation issues

- 10.20 Relevant design and conservation policies include Chapters 7 and 12 of the NPPF, UDP policies G4 and BE2, and emerging Local Plan policies PLP2, PLP24 and PLP35.
- 10.21 The application site is located at the edge of an existing, well-established settlement. The existing suburban streets of St Mary's Road, St Mary's Rise, St Mary's Way, St Mary's Crescent and St Mary's Avenue were built on the site and grounds of the Deanhouse Workhouse / St Mary's Hospital, and along with other developments to the south, added significant urban extensions to the historic cores of Netherthong and Deanhouse on the north side of Dean Brook. A further extension and consolidation to the settlement has been approved at

a site between St Mary's Avenue and the Cricketers Arms PH, where permission for 30 residential units has been granted under applications 2014/91533 and 2016/93365.

- 10.22 The proposed development would again enlarge the settlement with a further 21 residential units, however given that this development would extend no further north than properties on St Mary's Rise, and would be confined along its western edge by Miry Lane, it is considered that although the character of Netherthong and Deanhouse would be changed by the proposed development to a degree, this impact would not be significant or adverse in the context of the urban extensions already built and approved. Development on what is currently a pleasant green field would certainly reduce and push back the green framing that currently exists around the northwest corner of the settlement, however, fields beyond the application site, further to the north and west, would continue to provide green framing around the extended settlement.
- 10.23 Officers understand that the applicant has opted for a serpentine layout and a single vehicular access from Miry Lane (as opposed to vehicular accesses from St Mary's Way and St Mary's Rise, as had been proposed by another applicant under application 2015/90580) as there is third party land (or ransom strips) between the application site and the public highway at both those existing streets to the east. The proposed layout would be suburban in character, however the proposed distribution of buildings across the site would reference common and recognisable patterns of development found in many Pennine settlements. At the north edge of the site (and at what would become the northwest corner of the settlement), dwellings would be larger and generously spaced, while smaller dwellings, built closer together, are proposed at the south end of the site. This would create an appropriate crescendo of density on the approach towards the centre of Netherthong.
- 10.24 Elevationally, the applicant proposes a contemporary take on Pennine vernacular, with pitched roofs, stone walls, slate roofs, mullioned windows in openings with a horizontal emphasis, quoins, kneelers and other relevant features commonly found in the historic core of Netherthong. Integral garages, glazed elements, glass balustrades to first floor balconies, PVC windows and doors, and other features would distinguish the 21 dwellings from the historic buildings of Netherthong, and would in some ways reference the settlement's 20th century buildings. The overall effect would be of a contemporary development that respects and complements historic Netherthong.
- 10.25 With 12 different unit types proposed, there would be sufficient variety in massing, building sizes and elevations across the development, such that it would not appear monotonous, repetitive and regimented.
- 10.26 The proposed 2- and 3-storey elevations, the breakdown of massing proposed for the dwellings, and the regrading and levelling of parts of the site are considered acceptable in the context of the building heights, massing and retaining walls that already exist in the streets to the east of the site.
- 10.27 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the nearby conservation areas when determining this application.

- 10.28 No character appraisal has been published for the Netherthong Conservation Area, however at Appendix 1 of the UDP Netherthong and Deanhouse are defined as stone-built Pennine hill villages of mainly 18th and 19th century cottages set in intricate squares and narrow streets, separated by the steep-sided Dean Brook Valley.
- 10.29 The application site has a south-facing slope and is visible from many vantagepoints within the Netherthong Conservation Area, such that development at this site has the potential to affect the conservation area's character. In some views from the conservation area, the proposed development would extend the urban backdrop to the settlement's historic core, however these views already take in existing, less sympathetic development adjacent to the application site, and it is noted that the design and materials of the proposed development would more closely match those of the settlement's historic core. Furthermore, the key features of the conservation area as noted at Appendix 1 of the UDP would not be adversely affected by the proposed development, and the 21 new dwellings would not be visible in many internal views of the most important, attractive and characteristic parts of the settlement's historic core (e.g., along Town Gate and Out Lane).
- 10.30 The conservation area character appraisal for Oldfield defines the village as a small, exposed, isolated rural settlement, notes the striking tight cluster form exhibited by Oldfield and Upper Oldfield, and notes the open, elevated surrounding landscape which add drama to the area.
- 10.31 A significant northwards (uphill) urban extension to Netherthong and Deanhouse could reduce the space between those settlements and Oldfield, and could undermine the characteristic separation and isolation of the historic settlement to the north. It is again noted, however, that the proposed development would extend no further north than properties on St Mary's Rise, and that adequate undeveloped space and green separation would be maintained between the settlements. Furthermore, other positive and defining characteristics of the Oldfield Conservation Area, and views and appreciation of it, would not be adversely affected by the proposed development.
- 10.32 With 21 units proposed in a site of 1.03 hectares, a density of 20 units per hectare would be achieved, significantly below the 35 units per hectare minimum set out in draft policy PLP7, and below the densities of much of Netherthong's historic core. Noting that this minimum is applied "where appropriate", and that the same policy requires densities to be in keeping with the character of the area (which includes the relatively low-density 20th century extensions to Netherthong and Deanhouse), the proposed quantum of development and its density is considered acceptable given the constraints and characteristics of the site and its surroundings.
- 10.33 In terms of boundary treatments, the applicant proposes a mix of dry stone walls, 2.1m high timber fencing, and soft landscaping screening. Full details of boundary treatments would be need to be submitted in accordance with recommended conditions, and would be assessed with regard to aesthetic impacts and the need to provide appropriate settings to, and natural surveillance of, the development's new footpaths. Alternatives to the proposed 2.1m high timber fencing are likely to be required for aesthetic and other reasons.

- 10.34 The applicant's landscaping proposals are considered acceptable, subject to the ecological considerations discussed later in this report. Buffer planting in appropriate locations and native species are proposed, and a condition requiring further details of these aspects of the proposed development, and their implementation and maintenance, is recommended.
- 10.35 To address the requirements of policy H18 of the UDP regarding Public Open Space (POS), the applicant has proposed a 630sqm "wildlife and woodland walk" as on-site POS. This proposal triggered an objection from the council's Landscape Architect Manager regarding the adequacy and usability of the proposed POS. However, during the life of the application, the applicant submitted drawing 1023/90-10, indicating that a natural play area, equipped with seating and play logs, would be provided within this space. A path between the vehicular and pedestrian entrances to the site would be provided, giving pedestrians a landscaped north-south route that avoids part of Miry Lane. Although these details have not addressed all the concerns of the council's Landscape Architect Manager (the provision of playspace beneath trees can be problematic and can bring issues relating to sap, algae growth, leaf litter and debris, and timber becoming slippery), concerns relating to the maintenance of the playspace can be addressed through details and commitments secured via a Section 106 agreement. The council would not take responsibility for the maintenance and management of the proposed POS.
- 10.36 The proposed POS would abut the gardens of units 09 and 21. Subject to details of boundary treatments and planting around the POS (holly would be appropriate here) the provision of POS and playspace in this location is not considered inherently problematic in terms of crime and anti-social behaviour. The space would not be especially vulnerable to anti-social behaviour, and it would be partly overlooked by unit 14.

Residential amenity and quality

- 10.37 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties.
- 10.38 In relation to overlooking and privacy, it is noted that 8 Miry Lane has a northeast-facing ground floor living room window and a first floor bedroom window. Proposed units 05, 06 and 07 would have south-facing habitable room windows facing the rear elevation of 8 Miry Lane. A distance of approximately 16m would be maintained between the ground floor rear windows of 8 Miry Lane and unit 05, however due to topography, the retention of the dry stone wall (that currently stands over 2m high) along the application site's southern boundary, and the proposed planting along this boundary, the proposed ground floor windows of unit 05 would not unacceptably overlook 8 Miry Lane. The proposed first floor windows of unit 05 would also be approximately 16m away from the ground floor windows of 8 Miry Lane, and are likely to overlook the ground floor windows of 8 Miry Lane in breach of UDP policy BE12 which requires window-to-window distances in this instance of 21m. The impact of this overlooking could potentially be exacerbated by topography, given that it is more disconcerting to be overlooked from an elevated vantagepoint. It is noted, however, that 8 Miry Lane and unit 05 would be set at an oblique angle to each other, and that planting is proposed along the application site's southern boundary, which would help to limit the impacts of the overlooking. At first floor level, the windows of 8 Miry Lane and unit 04 would be set

approximately 20m apart, which would also be in breach of the minimum distance set out under UDP policy BE12, however it is again noted that 8 Miry Lane and unit 05 would be set at an oblique angle to each other.

- 10.39 Further southeast along Miry Lane, distances between existing and proposed habitable room windows would be greater, and this policy-compliant spacing, together with the angles at which elevations would be set and the proposed boundary planting, would limit overlooking to an acceptable level.
- 10.40 Along the application site's east boundary, the applicant proposes to position units 07, 08, 13, 17 and 18 such that new habitable windows would not directly face those of 7 and 8 St Mary's Way and 7 and 38 St Mary's Rise. The existing dwelling at 7 St Mary's Way has large windows serving a kitchen/dining area that face west and are positioned close to the application site boundary. The southeast corner of unit 07 would stand approximately 14m away from these windows, however the elevations would be offset in relation to each other, and the nearest corner of unit 07 would feature the dwelling's main entrance, rather than habitable room windows. Planting is also proposed along the application site's east boundary. From the kitchen/dining area windows of 7 St Mary's Way, residents would mainly look out onto the garden of unit 07.
- 10.41 The proposed development would result in additional overlooking of neighbouring residential gardens, however the relationships between the proposed habitable room windows and existing private outdoor amenity spaces would not be unusual, and it is not recommended that planning permission be withheld for this reason.
- 10.42 Finally with regard to privacy and overlooking, it is noted that the positioning and other aspects of the proposed development are similar to those of the five-unit scheme approved at appeal in 2016, which remains a fallback that can still be implemented.
- 10.43 Impacts upon the outlook currently enjoyed by neighbouring residents are considered acceptable. The heights and positioning of the proposed dwellings (in relation to the site's boundaries and to the habitable room windows and outdoor amenity spaces of neighbouring properties) would certainly affect existing outlook, but not to an unacceptable degree.
- 10.44 The proposed dwellings would be positioned far enough away from neighbouring properties to not adversely affect the natural light currently enjoyed by existing residents.
- 10.45 Private views of a particular landmark or feature of interest, and long views over land not in the ownership of the viewer, are not protected under planning.
- 10.46 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

- 10.47 A condition is recommended requiring the submission and approval of a Construction Management Plan. This would need to sufficiently address the concerns of neighbouring residents in relation to the amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.48 The quality of the proposed residential accommodation must also be considered.
- 10.49 Sizes of the proposed residential units, and the habitable rooms within them, are considered adequate.
- 10.50 All units would benefit from dual aspect, and would have adequate outlook. Habitable rooms would receive adequate natural light. Although the overlooking identified earlier in this report would in some case be reciprocal, for the same reasons as set out above, this is not considered to be a reason for refusal of planning permission or further amendment.
- 10.51 House type 7 (unit 21) would have a bedroom and bathroom at ground floor level, providing flexible accommodation and ensuring that a household member with certain disabilities could live in this dwelling. Several house types would have WCs at ground level, providing convenience for visitors with certain disabilities.
- 10.52 Adequate outdoor private amenity space would be provided for most dwellings, bearing in mind the size of the units and garden sizes typically found in the area. The amenity space proposed for units 07 and 08 is small, however given that on-site Public Open Space is proposed relatively close to these units, it is recommended that this provision be accepted.

Highway issues

- 10.53 The applicant proposes to provide access for pedestrians, cyclists and vehicles from a new point of access at the southwest corner of the site on Miry Lane. This is considered acceptable. An adequate visibility splay (of 2.4m by 38.8m/36.3m) and adequate sight lines are proposed at Miry Lane. Of note, in the appeal decision dated 01/06/2016 the Inspector erred in asserting that a 57m long visibility splay was required at this access point.
- 10.54 Following the submission of amended plans during the life of the application, the council's Highways Development Management officers have raised and reiterated concerns regarding the detailed design of the proposed development's new road. Discussions with officers are ongoing, and further information will be reported to the Sub-Committee in an update or verbally.
- 10.55 Adequate off-street parking would be provided for the 21 residential units, in a mix of integral garages and outdoor spaces.
- 10.56 Beyond the application site, although existing residents' comments regarding local congestion and highways safety are noted, it is not considered that the additional vehicle movements generated by the proposed development would adversely affect the local highway network in Netherthong. Officers and the applicant have also considered the cumulative impacts of the proposed development and the development at the site between St Mary's Avenue and

the Cricketers Arms PH, and have similarly concluded that, although vehicle movements at the St Mary's Road / Miry Lane junction would certainly increase, there would not be a significant and adverse effect to the extent that planning permission should be withheld.

- 10.57 Further afield, however, it is noted that routes between Netherthong and Huddersfield are congested (particularly in rush hour), and that in relation to other recent planning applications, Members have expressed concern regarding the volumes of traffic moving along the Holme Valley to and from Huddersfield, and the impacts that additional residential development may have on the existing situation.
- 10.58 Residents of the proposed development (moving to or from Huddersfield) would not travel via the A616 / A635 junction at New Mill, where the council has sought contributions towards a junction improvement scheme using Section 106 funding. New residents are, however, likely to make use of the following road junctions (among others) when moving between the site and Huddersfield:
- A616 / A6024 Honley 'triangle'
 - A6024 / Thong Lane / Miry Lane, Thongsbridge
 - A6024 / New Road, Holmfirth
 - A6024 / Hagg Wood Road / Smithy Place Lane
- 10.59 No capacity improvement proposals, intended to improve the free flow of traffic in the Holme Valley, have been drawn up by the council for these junctions, nor has a study of the need for (and feasibility of) improvements in these locations been carried out. Officers have therefore asked the applicant to provide an assessment of the impacts of the proposed development on traffic flows through these junctions, and the applicant's findings will be reported to the Sub-Committee in an update or verbally.
- 10.60 A claimed public right of way (HOL/dmno app200/10) runs east-west across the site between St Mary's Rise and Miry Lane. Although the applicant does not accept that a public right of way exists here, footpaths are proposed connecting the northernmost section of the development's new road with Miry Lane and St Mary's Rise, providing an east-west connection for pedestrians, albeit not precisely along the route of the claimed public right of way. This has been included in the applicant's proposals to accommodate an east-west through-route in the event that the public right of way is confirmed.
- 10.61 A through-route in this location would be of public benefit, as it would improve neighbourhood permeability and would enable pedestrians to avoid part of Miry Lane which lacks pavements. The through-route would also be compliant with UDP policies T16 (which requires new development to make provision for convenient pedestrian routes) and R13 (which promotes the development of new links in the public right of way network).
- 10.62 Overlooking of the through-route, and good visibility along it, would be required. Details of the footpath, and of low boundary treatments and planting either side of it, would need to be submitted at conditions stage. Amendments to the footpath, possibly including some straightening out (or chamfering) of the two turns at its east end, may be necessary.

- 10.63 As the proposed through-route would not precisely follow the route of the claimed public right of way, the applicant is aware that a Section 257 application would be required to divert the public right of way, should it be confirmed.

Drainage issues

- 10.64 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment and Outline Drainage Strategy was submitted by the applicant. Due to site topography, the applicant does not propose to dispose of surface water through the use of soakaways and infiltration, and this is accepted given the risk of water re-emerging further down the hillside and possibly affecting existing residential properties. The applicant proposes an adopted piped surface water drainage system connected to the culverted watercourse below Miry Lane, or the existing surface water system in St Mary's Road. The proposed development's impermeable areas would total approximately 4,657sqm (approximately 40% of the site), and in order to achieve a greenfield surface water run-off rate of 5 litres per second per hectare, a flow control system including 279 cubic metres of attenuation (water storage) is proposed. This attenuation would take the form of tanks installed beneath the proposed development's new road, with new pipework running from these to meet the culverted watercourse or the existing surface water system in St Mary's Road.
- 10.65 The Lead Local Flood Authority (LLFA) has agreed that the principles of the proposed drainage scheme are acceptable, but have requested further information, assurances, and calculations. Further information and comments of the LLFA will be reported to the Sub-Committee in an update or verbally.
- 10.66 Conditions relating to the permeability of hard surfaces, and to the connection of gutter down pipes to rainwater harvesting units and water butts (with overflow into rainwater gardens or ponds), are recommended in accordance with officer advice.

Ecological considerations

- 10.67 The application site is within the proposed Green Infrastructure Network (Holme Valley Corridor), and a Biodiversity Opportunity Zone (Valley Slopes). Land to the west is within a proposed Wildlife Habitat Network, and further to the west is the Holmroyd Wood ancient woodland and Local Wildlife Site. The site is within an SSSI Impact Risk Zone, however the council's Biodiversity Officer has confirmed that consultation with Natural England is not necessary in this case.
- 10.68 Several neighbouring residents have raised concerns regarding the impact of the proposed development on wildlife, including birds and bats.
- 10.69 The applicant has submitted a Preliminary Ecological Appraisal (PEA) which states that much of the site (the grass field) is unlikely to be of significant value to ground nesting birds, however there may be foraging activity in some areas. The PEA states that the young sycamore proposed to be removed is of negligible value for roosting bats, but that other trees along the site's western boundary have moderate value for roosting bats. The high ecological value of the site's western boundary (for commuting and foraging bats, as a hedgerow and as a connective habitat) is noted in the PEA. Bat activity studies have not been carried out in support of the application.

- 10.70 Generally, a PEA would not normally be adequate to support a planning application where further surveys or mitigation is required, or where the proposed development would result in significant ecological impacts. Officers are, however, of the view that it would be possible to develop the site for housing while providing a biodiversity net gain and so complying with relevant policies (including policy PLP30 of the emerging Local Plan and chapter 11 of the NPPF). The enhancements proposed by the applicant are noted – the proposed soft landscaping buffers (if planted with native species) and hedgerow planting in particular are welcomed. Other enhancements can and should be provided, and a condition is recommended, requiring the submission and approval of an Ecological Design Strategy (EDS). The enhancements included in the EDS should include the installation of bird and bat boxes.
- 10.71 The lack of bat activity surveys (carried out at an optimal time of year) has not triggered an objection from the council's Biodiversity Officer, and it is noted that the site's existing features of most relevance to bats (the site's hedgerow and veteran trees) are protected and would be retained. A further condition, requiring a lighting design strategy designed to avoid disturbance of bats, is recommended. The applicant's PEA recognises that a planted buffer zone and low-level lighting should be implemented to reduce impacts on commuting and foraging species.
- 10.72 During the life of the application, the applicant submitted an Ecological Impact Assessment (dated March 2018), which is essentially a revised version of the earlier PEA. The newer document, in an expanded section 9, adds commitments in relation to mitigation and compensation (including an agreement to submit an EDS) in accordance with the comments of the council's Biodiversity Officer, and is welcomed.

Trees

- 10.73 Tree Preservation Order (TPO) 12/75/a7 protects several oak, hawthorn, holly and ash trees along the site's western edge on Miry Lane.
- 10.74 As set out in the applicant's tree survey, a sycamore tree (T11) close to the application site's southwest corner would be felled to enable vehicular access to be provided off Miry Lane. This tree has been classed by the applicant at a category C2 tree (i.e., a tree of low quality). Shrubs close to tree T11 would also be removed. This amount of removal is similar to that approved at appeal under application 2014/92737, where the above-mentioned sycamore, an elder and part of a holly hedge were to be removed.
- 10.75 Several neighbouring residents have objected to the proposed development on tree grounds.
- 10.76 Insufficient tree information was provided with the applicant's initial submission, however further information (including an arboricultural method statement) was submitted during the life of the application, and amendments were made to bring development away from the protected trees along the site's western boundary.

10.77 Subject to the further comments of the council's Tree Officer (to be reported to the Sub-Committee in an update or verbally), the proposed development is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

Representations

10.78 To date, representations have been received from 58 occupants of 48 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.

- Increase in number of units from five to 21 – The quantum of development now proposed is considered acceptable. Subject to conditions, the impacts of the proposed 21-unit scheme would not be so great or adverse as to warrant refusal of planning permission. The council as Local Planning Authority must base its decision on the acceptability of the current proposal, rather than a comparison of the five- and 21-unit schemes and their respective merits and shortcomings.
- Impacts upon local services – While health impacts are a material consideration, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- Infrastructure impacts – No evidence has been submitted in relation to the potential impacts of the proposed development upon local broadband and electricity supplies. Adequate provision of these services is the responsibility of the relevant providers, and the concerns expressed by residents are not considered to be reasons for refusal in this case.
- Need – One resident has noted the number of dwellings currently on sale in Netherthong, and has suggested this indicates that more homes are not needed. The council, however, has evidence of housing need in Kirklees, Netherthong remains a desirable place to live, and market churn is not an indicator of a lack of demand or need.
- Potential damage to an adjacent wall – This is a civil matter to be resolved between the interested parties.

Planning obligations

10.79 Page 18 of the applicant's Planning Statement states that a draft Section 106 agreement has been submitted with the application "to deal with matters of affordable housing, Public Open Space, and education contributions", however no such draft agreement has in fact been submitted to date.

- 10.80 To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, four of the 21 residential units would need to be provided as affordable housing (two for Affordable Rent, two Intermediate). Paragraph 2.2.3 of the applicant's Design and Access Statement states that "it is proposed that requirements of [UDP policy H10] and the LPA published Interim Affordable Housing Policy... can be met on this site". It is therefore recommended that provision be made in a Section 106 agreement for the securing of two Affordable Rent and two Intermediate housing units. The applicant has requested that the council be flexible in relation to the tenure(s) of the affordable housing, to allow for the possibility of four Starter Homes to be provided instead of the two Affordable Rent and two Intermediate units. As the council's Interim Affordable Housing Policy allows for Starter Homes to be taken into account in affordable housing negotiations, it is recommended that some flexibility can be applied regarding tenure, with negotiations on these matters delegated to officers. The applicant would, however, need to provide convincing evidence regarding local incomes, need, and the pricing of the units before any alternative tenure mix (to the two Affordable Rent and two Intermediate units mentioned above) could be accepted.
- 10.81 Under policy H18 of the UDP sites of 0.4ha require Public Open Space (POS) to be provided on-site. The application site is 1.03ha in size, and as noted earlier in this report the applicant has proposed a 630sqm "wildlife and woodland walk" as on-site POS. It is accepted that adequate on-site POS would be provided, and that no contribution towards off-site POS would be necessary.
- 10.82 Given the number of units indicatively proposed, no contribution towards education would be triggered.

Other planning matters

- 10.83 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.84 The proposed development would involve the removal of a tree (although new trees would be planted) and an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.
- 10.85 The site is within a Coal Authority advice area, and a relevant informative would be included in any decision letter, should planning permission be granted.
- 10.86 A condition removing permitted development rights from the new dwellinghouses is recommended, to ensure that changes to boundary treatments, and extensions and alterations (which may adversely affect neighbour and visual amenity) cannot be carried out without the need for planning permission.

11.0 CONCLUSION

- 11.1 The application site is allocated as Provisional Open Land in the UDP (saved policies), but is allocated for housing in the emerging Local Plan. Residential development of the site would be contrary to UDP policy D5, however having regard to a range of considerations (including the pressing need for housing, the current situation regarding housing land supply in Kirklees, the draft site allocation, and the previous approval (at appeal) of residential development at part of this site), it is considered that the principle of residential development at this site can be accepted.
- 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 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 of the NPPF) 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. Three years to commence development.
2. Approved plans and documents.
3. Details and samples of materials.
4. Car and cycle parking to be provided prior to occupation.
5. Landscaping details (incorporating Ecological Design Strategy, ecological management plan and works around/to footpaths) to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years.
6. Tree planting.
7. Boundary treatments, retaining walls and gabions.
8. Lighting strategy.
9. Crime prevention (including details of windows overlooking footpaths).
10. Removal of permitted development rights.
11. Site contamination.
12. Construction method statement.
13. Structures adjacent to highways.
14. Sight lines.
15. Provision of refuse collection arrangements prior to occupation.
16. Electric/hybrid vehicle charging points.
17. Surfacing and drainage of parking areas.
18. Construction Management Plan.
19. Flood risk / drainage.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90192>

Certificate of Ownership – Certificate A signed