
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2019/90380 Outline application for erection of residential development and associated access. Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA

APPLICANT

Highstone Homes Ltd

DATE VALID

11-Feb-2019

TARGET DATE

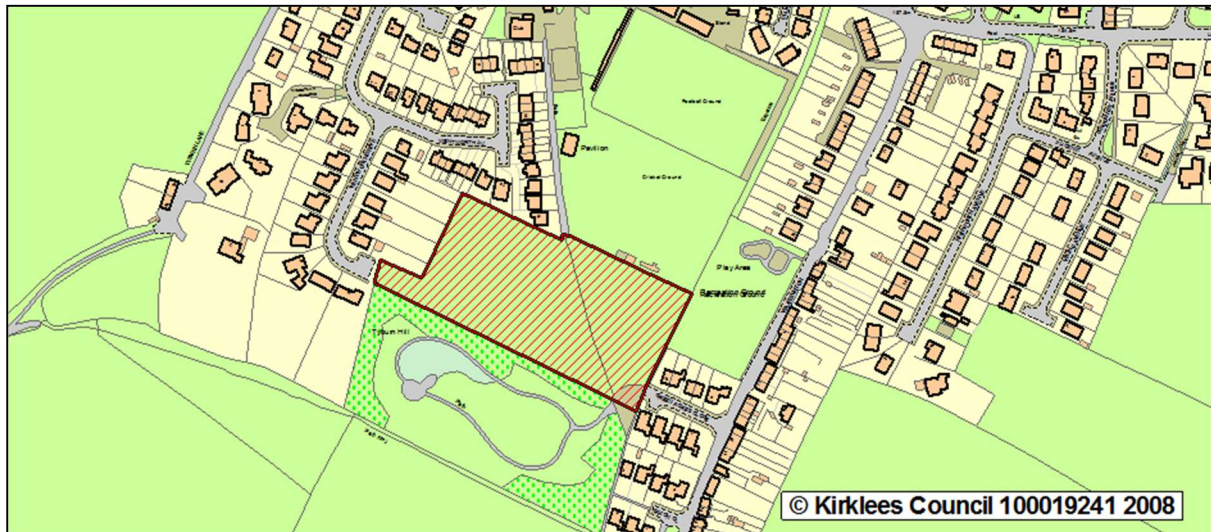
13-May-2019

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: Denby Dale

Yes

Ward Members consulted

RECOMMENDATION: Refuse outline planning permission

For the following reason:

1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policy PLP21 (as modified).

1.0 INTRODUCTION:

- 1.1 This is an application for outline planning permission, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the proposed development relates to site larger than 0.5 hectares and is likely to involve fewer than 61 residential units. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.18 hectares in size and is allocated for housing in the Local Plan (site allocation ref: H358, as modified).
- 2.2 To the north of the application site are residential properties on Wentworth Avenue and a cricket ground which is designated as urban green space in the Local Plan. To the east is a recreation field and residential properties on Green Acres Close. To the south is Emley's Millennium Green, which is in the Green Belt. To the west, beyond a strip of land outside the application site, are residential properties on Wentworth Drive.
- 2.3 The application site, the Millennium Green, and some of the adjacent residential properties, occupy a relatively flat and elevated area of land (Tyburn Hill) approximately 200m AOD.

- 2.4 The application site is greenfield, and is grassed. No buildings exist within the site's boundaries. A hard surface exists in the southeast corner of the site, providing access to the Millennium Green.
- 2.5 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site.
- 2.6 The application site is dissected by public footpath DEN/21/20, and is edged by public footpath DEN/96/10 to the east.
- 2.7 The application site is not within or close to a conservation area. The site includes no listed buildings, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within walking distance of the site. The site also has some landscape sensitivity resulting from its location, surrounding topography and visibility from land to the south, from surrounding public open space (POS), and from public footpaths.

3.0 PROPOSAL:

- 3.1 Outline planning permission (with details of access) is sought for residential development of the site. A single vehicular access is proposed from Green Acres Close.
- 3.2 Other matters (namely appearance, landscaping, layout and scale) are reserved.
- 3.3 Although the applicant does not seek approval of a layout or specific number of residential units, an indicative site layout plan has been submitted, showing 44 units arranged as detached, semi-detached and terraced dwellings, some with garages. A new estate road would extend westwards across the site from Green Acres Close, private drives would be provided off this estate road, and pedestrian access would be provided from the existing public footpaths. The alignment of public footpath DEN/21/20 would be maintained, with part of it becoming the footway of the proposed estate road.
- 3.4 Other application documents refer to a residential development of "approximately" 50 new dwellings. This number is also indicative.
- 3.5 Outside the application site, works to Warburton and to public footpaths DEN/21/20 and DEN/96/10 are proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 99/91668 – Planning permission was refused on 24/09/1999 for the formation of a grass full-size practice pitch and an all-weather training surface with associated lighting and the formation of millennium green, on a site that includes the current application site and land to the south which is now the Millennium Green. Refusal reasons related to 1) noise and disturbance to nearby residents, 2) visual intrusion caused by floodlights, 3) highways safety, and 4) development prejudicing the future development of Provisional Open Land. A subsequent appeal was dismissed 10/08/2000. Planning permission was granted 12/01/2000 for the change of use of agricultural land to the south to recreational use (ref: 99/92555) and planning permission was granted on 23/04/2001 for the erection of a millennium monument (ref: 2001/90226).

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

5.1 The applicant requested pre-application advice from the council in May 2018. Written pre-application advice (ref: 2018/20216) was issued by the council on 07/02/2019, the main points of which are summarised as follows:

- Given proposed allocation of site for housing in the Local Plan, subject to highways, design, residential amenity, public rights of way and other matters being appropriately addressed, residential development at this site is acceptable in principle.
- Subject to details, residential development at this site is considered to be sustainable development.
- The proposed quantum and density of development was appropriate (44 units were shown on an indicative layout).
- Proposed indicative layout did not satisfactorily accommodate all of the site's constraints. Treatment of public rights of way needed revisiting, dwellings should relate better to the surrounding open spaces, risks of crime and anti-social behaviour should inform the layout, family-sized dwellings should face the open spaces, and side elevations and high fences should not line footpaths.
- A contribution towards off-site public open space provision would normally be appropriate, however some on-site provision may be appropriate here, if carefully designed along footpath.
- Early consideration of landscaping, boundary treatments and lighting would be appropriate.
- Two storey dwellings would be appropriate.
- Proposed short terraces, detached and semi-detached dwellings are appropriate.
- A variety of house types would be appropriate.
- High quality materials (including natural local stone and brick) would be appropriate.
- Car parking should be accessible, usable and overlooked, and should not dominate the street.
- Ball Strike Risk Assessment may be required. Applicant should consult with Sport England.
- Proposed development is unlikely to harm heritage assets, however a full assessment would be necessary.
- Proposed residential units should provide adequate outlook, privacy and natural light. Applicant is encouraged to follow the Government's Nationally Described Space Standard.
- 20% affordable housing required with a 54% Social or Affordable Rent / 46% Intermediate tenure split, Affordable housing should be pepperpotted around site and designed to not be distinguishable from private accommodation.
- Proposed unit size and tenure mix should reflect known housing need.
- Providing vehicular access via Green Acres Close is far less appropriate than via Wentworth Drive, given Warburton's narrow carriageway widths, on-street parking, level of use, lack of footways, poor sight lines in places, and houses with front doors opening directly onto the road.
- Evidence required at application stage of applicant's efforts to secure access from Wentworth Drive.

- Should applicant demonstrate that vehicular access cannot reasonably be achieved from Wentworth Drive, applicant would need to mitigate the proposed development's unacceptable impact on highway safety caused by intensification of vehicular movements to Warburton.
- Proposed improvements to footpaths could encourage pedestrians to use these routes.
- Proposed works to Upper Lane / Warburton junction would improve sight lines and could be considered beneficial, however details are needed.
- Proposed works to Warburton are unnecessary or questioned.
- Warburton is unsuitable for any further intensification of use.
- Transport Assessment required, and its scope should be agreed with officers.
- Travel Plan required.
- Road Safety Audit and designer's response required.
- Construction Management Plan required.
- Detailed advice provided regarding parking, cycle storage, design of roads proposed for adoption, waste storage, and highways retaining structures.
- Contribution towards Metro cards may be necessary.
- Proposed development should provide convenient pedestrian routes, new and enhanced green infrastructure links, and a walkable neighbourhood.
- Access to Millennium Green (including for maintenance vehicles) must not be hindered by development.
- Site-specific Flood Risk Assessment, Surface Water Drainage Report, drainage maintenance plan, and temporary drainage (during construction) plan required. Infiltration may be possible at this site.
- Some adjacent trees should be regarded as constraints. Impact assessment required.
- Preliminary Ecological Appraisal required. This may identify a need for an Ecological Impact Assessment.
- Phase I Contaminated Land Report required.
- Electric vehicle parking spaces required.
- Noise Assessment required. Site may be subject to elevated levels of noise from adjacent sports pitches and recreation field.
- Health Impact Assessment required.
- Site is within a Development High Risk Area as defined by the Coal Authority. Coal Mining Risk Assessment required.
- Section 106 planning obligations likely to relate to affordable housing, education, highways, public open space and drainage.
- Pre-application public consultation is encouraged.

5.2 During the life of the application, on 02/04/2019 the applicant submitted indicative layout drawing 3049-0-001-I, which shows a revised vehicular access from Green Acres Close to the Millennium Green.

5.3 Officers again asked the applicant to provide details of the applicant's efforts to secure access from Wentworth Drive.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site is allocated for housing in the Local Plan (site allocation ref: H358, as modified).

6.3 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP4 – Providing infrastructure
PLP5 – Masterplanning sites
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
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP34 – Conserving and enhancing the water environment
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP48 – Community facilities and services
PLP49 – Educational and health care needs
PLP50 – Sport and physical activity
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)

National Planning Policy and Guidance:

6.5 The National Planning Policy Framework (2019) 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:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.6 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 five 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 05/04/2019.

7.2 124 representations were received in response to the council's consultation. Redacted versions of these have been posted online. All representations raised objections to the proposed development. The following is a summary of the points raised:

- Highways-related objections to using Warburton for access. Warburton is narrow, has no footways or pedestrian refuges, is congested, is used by horse riders, already experiences conflicts and near misses, has potholes, is poorly maintained, and doors of many houses open directly onto the carriageway. Warburton was built to accommodate pedestrians and horses and carts. Unacceptable road safety impacts. Lives could be put at risk. Risks to children using the recreation ground.
- Transport Statement does not define the objectives of the works proposed in Warburton, and does not detail baseline situation in Warburton, the impacts of the development, or the impacts of the proposed mitigation.
- Only access from Wentworth Drive would be acceptable. Site was allocated for development on the basis that primary access would be via Wentworth Drive and only secondary access via Warburton.
- On-street parking on Warburton would be displaced.
- Proposed hard margins would not be wide enough for people to use, and may cause water to drain into properties.
- Narrowing Warburton would exacerbate existing access problems.
- Emergency services already have difficulty accessing Warburton.

- Drivers would no longer be able to turn at the junction of Green Acres Close and Warburton.
- Visibility at Upper Lane / Warburton junction would remain sub-standard.
- Reducing width of Upper Lane with build-outs would render it insufficiently wide for a bus and an HGV to pass.
- Increased traffic congestion in the surrounding area. Proposal would result in a high, material impact in relation to traffic. Upper Lane is already unable to support rush hour traffic.
- Transport Statement does not note two road traffic accidents that occurred on Upper Lane in the last five years.
- Air pollution generated by additional traffic. Air quality is already a problem on Upper Lane due to congestion and vehicles waiting to pass each other.
- Cycling and walking to and from the site is not feasible.
- Adverse highway safety impacts of construction traffic. Damage to highway surfaces.
- Dirt, dust and noise during construction. Construction period could be lengthy.
- Development is not sustainable as occupants would be wholly reliant on the private motor vehicle due to lack of facilities and public transport.
- Footpath DEN/21/20 terminates between two buildings on Upper Lane where there is no footway, visibility is poor, and access is unsafe for pedestrians. Nearby bus stop on Upper Lane also lacks safe refuge for passengers.
- Footpath DEN/96/10 also joins Upper Lane where there is no footway.
- Footpath users would be endangered during cricket and football matches.
- No east-west footpaths are proposed.
- Adverse amenity impacts caused by proposed footpath lighting.
- Proposal is not in accordance with site allocation H358 as applicant proposes approximately 50 dwellings and a single access from Green Acres Close.
- Measures proposed in Transport Statement would be ineffective and proposed carriageway width reductions would make it difficult for vehicles to pass each other. 600mm hard margins are not wide enough for pedestrians with prams and/or children.
- Road Safety Audit includes errors.
- Higher density proposed than required by policy PLP7 (as modified).
- Lack of places at Emley First School, which is already oversubscribed. Quality of care would be compromised if class sizes increase.
- Kirkburton, Scisset, Flockton and Lepton schools are also oversubscribed.
- Proposed education contribution would be inadequate.
- Any education contribution should be spent locally.
- Doctor's surgery only provides a limited service, and would not be able to support the proposed development.
- Sewer infrastructure is incapable of supporting additional properties.
- Water supply in Emley is already struggling to cope with demand.
- Applicant's description of local facilities includes inaccuracies.
- Applicant's information regarding coal mining legacy is inaccurate. Area has capped workings.
- Site becomes boggy and waterlogged after heavy rain.
- Only five low-cost houses are shown on plan.

- Loss of green space. Rural areas should stay rural.
- No building should be allowed on this land.
- Brownfield sites or other fields should be developed instead.
- Adverse impacts upon Millennium Green. Trustees have rights over the application site, however these have not been referred to in the application. Loss of access to Millennium Green and its disabled parking spaces. Maintenance of Millennium Green would be prevented. Vista from Millennium Green would be spoilt.
- Adverse impacts on other open spaces in Emley.
- Adverse impacts upon trees.
- Adverse impacts upon wildlife.
- Adverse impacts on amenities of residents of Green Acres Close.
- Quality of life for all Emley residents would be reduced. Atmosphere of the village would change.
- Proposal would not provide any benefit to Emley.
- Adverse impact upon house prices.
- Risk of damage to properties on Warburton.

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – No objection, subject to pre-commencement condition. Site is within the defined Development High Risk Area, therefore within the site and surrounding area there are coal mining features and hazards which need to be considered. Historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Applicant's geoenvironmental report identifies that possible unrecorded shallow coal mine workings, including possible bell pits, pose a risk to the stability of the site. Applicant makes appropriate recommendations for intrusive ground investigation, including drilling boreholes, in order to establish the presence or otherwise of shallow coal mine workings. Potential mine gas risk should also be considered. Findings of the applicant's intrusive site investigations should be used to inform any mitigation measures, such as the extraction of remaining coal, grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Sport England – Holding objection. Proposed residential development adjacent to a cricket pitch runs the risk of ball strike which can cause injury and property damage, leading to claims against the cricket club which may result in unaffordable insurance, such that the cricket pitch's future may be prejudiced. England and Wales Cricket Board (the national governing body for cricket) advised that a ball strike risk assessment, undertaken by an approved test house, is needed. This should determine the height of mitigation required, detail the required ball stop design, and detail ongoing management and maintenance. Holding objection made until ball strike risk assessment is provided. Should the council be minded to grant planning permission contrary to Sport England advice, application will need to be referred to the Secretary of State.

Yorkshire Water – Conditions recommended regarding drainage for foul and surface water. Applicant's Flood Risk Assessment is acceptable.

KC Highways – Concern regarding proposed road access from Warburton, as there are no footways to both sides of the majority of the length of Warburton, there are poor sight lines at the junctions of Green Acres Close / Warburton and Warburton / Upper Lane, 16 existing driveways have poor sight lines onto Warburton, there are around 15 existing houses with front doors opening directly onto the carriageway of Warburton, on-street parking (26 parked vehicles were observed on 24/07/2018) reduces the available carriageway width for both vehicles and pedestrians, and over 80 dwellings already have access from Warburton.

14 separate problems have been identified with the proposed works in the applicant's Road Safety Audit, however no designer's response has been provided to address these concerns.

The proposed sight line improvements at the Warburton / Upper Lane junction would reduce the width of the carriageway of Upper Lane to through traffic. Upper Lane is a classified road and a bus route, and reducing width at this location may not be in the best interests of highway safety, given the potential use of the road by larger vehicles including buses.

The proposed "H" bar road marking intended to provide space for vehicles to pass along Warburton are not enforceable, and would in any case displace parking to other areas of Warburton.

Hard margins discourage vehicles from travelling close to the carriageway edge, and potentially provide an area for pedestrians to step out, but vehicles already tend not to drive close to walls and hedges. Vehicles are likely to park on the proposed hardened verge along the recreational field.

The proposed works to the Green Acres Close / Warburton junction would provide minimal improvements to visibility from the junction, and would reduce the width of the carriageway where vehicles park opposite.

The public footpaths that the applicant intends to improve emerge onto Upper Lane at locations where no nearside footway is available, and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging onto Upper Lane.

The proposed improvements to Warburton are of little value, and would not provide any real improvement.

The application should be refused on highways safety grounds.

KC Strategic Drainage – No objection, given application is for outline permission with all matters reserved other than access. However, applicant's Flood Risk Assessment states that no site investigation has been carried out, therefore the feasibility of infiltration cannot be assessed at this stage. The hierarchy of preference for surface water disposal methods must be followed, the Lead Local Flood Authority's data suggests the site is likely to be highly suitable for infiltration, and infiltration testing must be undertaken to BRE Digest 365 standard in a location representative of the proposed location of

any soakaway or infiltration feature. Any future application without full infiltration investigation will attract an objection. Should infiltration be tested and demonstrated not to be feasible, a discharge rate of 3l/s would be permitted. Applicant will need to size and site attenuation to meet this discharge rate, and to ensure no flooding would occur on site in the critical 1 in 30 year storm, and no flooding that poses a risk to users of the site or that discharges off site above the 3l/s rate would occur in the critical in 100 years (plus climate change) storm event. Opportunities to provide storage in safe areas on the surface can be explored. If attenuation is proposed in oversized pipes or crate storage under the carriageway, dimensions greater than 1,500mm would preclude highway adoption by the council. Applicant should provide further simulations to calculate storage required for longer duration storms using both summer and winter profiles. Applicant's allowance for a 10% uplift in impermeable area is good practice and should be retained in any future planning submissions. A discharge agreement, maintenance easements and a new headwall would need to be secured. Surface water flood risk is minimal in the area around the application site. Applicant's acknowledgement that an overland flow route should be provided for exceedance events is good practice. Applicant has referred to swales, ponds, reed beds and other sustainable drainage systems, and these are encouraged. Hardstanding areas should be permeable, and applicant should explore connecting gutter down pipes to rainwater harvesting units and water butts, with overflow into rainwater gardens or ponds.

8.2 **Non-statutory:**

Police Architectural Liaison Officer – No objection in principle. Proposed development should be built in accordance with the requirements for good crime prevention design. Condition recommended. Public footpaths must not be positioned to the rear or side of gardens such that access to gardens would be enabled. Should footpaths be essential to the rear of properties, they should be gated and illuminated. Rear gardens should be divided with close boarded fencing to a minimum 1.5m in height, and 1.8m in height for the first 2m from the rear of the building. Advice provided regarding gate locks. Front gardens should have a marked boundary hedge, low wall, fence or railings that clearly distinguishes the private space of the garden from the public space outside it. Public open space should be supervised from nearby dwellings, and should not immediately abut residential buildings or rear gardens. Advice provided regarding door and window specifications, and external lighting. Car parking should be in-curtilage or within view of the car owner's home. Rear parking court areas, hidden from view behind garden fencing, are unacceptable. Secure cycle storage required.

KC Ecology – No objection – proposed development is unlikely to result in significant ecological harm, subject to conditions. The required biodiversity net gain can be secured through a recommended condition requiring an Ecological Design Strategy. Condition recommended regarding removal of hedgerows, trees and shrubs.

KC Education – Education contribution of £62,055 required.

KC Environmental Health – Recommendations in applicant's contaminated land report are agreed with. Conditions recommended regarding contaminated land. Applicant's noise report is not accepted, as it does not provide any background noise levels for the application site, and does not take into account evening football matches. Readings should have been taken during matches. Regarding noise from cricket matches, levels from a comparable site could be used and compared against the background level to ascertain the impact of this activity. Pre-commencement condition recommended regarding noise. Condition recommended regarding air quality, requiring electric vehicle charging points and Travel Plan. Condition recommended regarding dust suppression. Advice provided regarding hours of noisy works.

KC Landscape – Public right of way would be better separated from main estate road, possibly with the inclusion of a tree-lined grass verge with soft landscaping. 44 units triggers the requirement for a Local Area of Play which could partially be on-site within the small public open space area at the site entrance (if the minimum separation distances are demonstrated) or off-site as a financial contribution, potentially towards the adjacent recreation ground or other doorstep provision. Relevant calculations can be provided when the design of the public open space and on-site amenity green space are confirmed. Little detail is provided to identify the use of the small public open space on the site – details of management, maintenance, accessibility, surfacing, and the area's size are needed. Denby Dale ward is deficient in parks and recreation grounds, and in allotments, and provision of these should be explored. Clarity required regarding planting and hedgerows along streets, and retention of existing hedgerows. Tree planting in front gardens would help break up hard surfacing of roads, parking spaces and driveways. Space should be allocated for bin storage, and presentation points for collection are required (these should not obstruct pavements). Query if existing vehicular access to Millennium Green would be retained. Detailed advice provided regarding hard and soft landscaping, landscape management, public open space, tree planting, street lighting, bin capacity and grit bins.

KC Parks and Recreation – No objection. Footfall in adjacent recreation ground may increase if public footpath is lost. Access from the proposed development to the recreation ground should be maintained.

KC Planning Policy – Site is allocated in the Local Plan as site H358, so the principle of residential development of the site has been established. Constraints and site specific considerations are identified in the site allocation. Most appropriate point of access for the site would be via Wentworth Drive, and the site was allocated in the Local Plan on the basis that Green Acres Close would not form the main point of access for the site. Proposed 44 dwellings (indicative) corresponds with the Local Plan site allocation's indicative capacity, and 35 units per hectare requirement of policy PLP7 (as modified). A mix (in terms of size and tenure) of housing should be provided, taking into account evidence in the Kirklees Strategic Housing Market Assessment (2016), and providing 20% of units as affordable housing (with a higher proportion encouraged). Indicative proposed layout would retain the alignment of the public right of way that crosses the site. It is unclear whether sufficient access to the Millennium Green is proposed. Parts b and e of Local Plan policy PLP21 apply, as do criteria d and f of the policy PLP24, and policies PLP28 and PLP63 (all as modified).

Further comment, providing breakdown of open space requirements of a 44-unit residential development at this site, in light of Local Plan policy PLP63 (as modified):

- Parks and recreation grounds – enhancement required.
- Natural / semi-natural greenspace – 2,138sqm provision required.
- Allotments – 220sqm provision required.
- Amenity greenspace – 642sqm provision required.
- Children and young people – 590sqm provision required.

Policy PLP63 (as modified) requires residential developments to provide open space based on an assessment of the quantity, quality and accessibility of the existing open space within the area, taking into account any deficiencies. Where existing open space is insufficient to meet local needs, new open space on-site would be preferred, to meet the needs of the development. Where this is not possible the expansion or improvement of existing open space in the area can be acceptable. In areas where existing provision is sufficient, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. For this application, some on-site public open space comprising amenity greenspace and landscaping or treeplanting would be appropriate if well designed as a linear green route along the public footpath.

KC Public Health – No comment, as proposed development falls outside the agreed screening criteria for the completion of a Health Impact Assessment.

KC School Organisation and Planning – Proposed development would require a Section 106 education contribution of £62,055.

KC Strategic Housing – The council 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. Within Kirklees Rural East there is a significant need for affordable 1- and 2-bedroom housing, as well as a need for affordable 3+-bedroom housing and 1- and 2-bedroom housing specifically for older people. Kirklees Rural East has some of the highest house prices in the borough. 20% affordable housing is required, provided as a mix of 1-, 2-bedroom (especially) and 3+-bedroom units, with a 54% social or affordable rent / 46% intermediate tenure split (although this can be flexible). Affordable dwellings should be distributed across the site in clusters of two, three, four or five dwellings together, rather than all located in one part of the development.

KC Trees – No objection.

8.3 **Other responses:**

Cllr Will Simpson – A number of residents are frustrated that none of the education contribution would go to Emley First School. This should be reconsidered, to secure some additional funding for Emley First School.

Denby Dale Parish Council – Objection. Site was allocated in the Local Plan for 44 dwellings with Wentworth Drive as the main point of access and Green Acres Close providing minor secondary access. Proposal for 50 dwellings with a single access from Green Acres Close is contrary to Local Plan policy. Warburton is narrow, lacks footways, has little off-street parking and has doors

opening directly onto the road. Emley and Emley Moor's only children's playground is on Warburton. Warburton meets Upper Lane which is already highly congested and lacks footways and off-street parking. Local Plan policy PLP21 is relevant. An uplift of 70% in vehicular movements on Warburton is a material consideration.

Negative effect on Emley Millennium Green which requires safe pedestrian access and disabled parking provision.

Water supply, drainage and sewage have been an ongoing problem in Emley, and the proposed additional housing would have an adverse effect on a system that cannot cope with existing needs.

Emley is an isolated rural settlement with an infrequent and unreliable public transport provision. It is not feasible for residents to walk or cycle to jobs, services or amenities. Private vehicle use is essential for day-to-day living and the addition of 50 households is not sustainable.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Urban design issues
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other planning matters

10.0 APPRAISAL

Land use, sustainability and 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. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site is allocated for housing in the Local Plan (site allocation ref: H358, as modified). Full weight can be given to this site allocation, which identifies the following constraints relevant to the site:
- Potential third party land required for access.
 - Public right of way crosses the site.
 - Limited surface water drainage options.
 - Part/all of site within a High Risk Coal Referral Area.

- 10.4 Other site specific considerations are listed under site allocation H358 (as modified) as follows:
- Development on the site shall ensure access to the Millennium Green is retained.
 - The Public Right of Way shall be retained.

10.5 An indicative capacity of 44 dwellings is noted in the supporting text of the site allocation.

10.6 Regarding site allocation H358, the Inspector's Report of 30/01/2019 stated at paragraph 306:

H358, east of Wentworth Drive, Emley – The site is contained between dwellings off Wentworth Drive and Warburton Road, and is well related to the built-up form of the village. The Council's highways evidence indicates the main site access can be achieved from Wentworth Drive, and no other fundamental constraints to development have been identified. The site contains a PROW and provides access to the adjoining Millennium Green, and this should be referenced in the policy for reasons of effectiveness (SD2-MM213). Subject to this modification, I am satisfied that the proposal is sound.

10.7 Ordnance Survey maps from 1893 onwards annotate parts of Tyburn Hill as "Allotment Gardens", however these annotations do not clarify precisely which land was used as allotments. That use has ceased in any case, and aerial photographs from 2000 onwards do not indicate the application site was in use as allotments over the last 19 years. Therefore, it is considered that the proposed development does not conflict with the final sentence of Local Plan policy PLP61 (as modified) which protects small, valuable green spaces (including allotments) not identified on the Policies Map, or with policy PLP47 (as modified) which encourages the provision of allotments.

10.8 Subject to highways, design, residential amenity, public rights of way and other matters being appropriately addressed, it is considered that residential development at this site is acceptable in principle, and would make a welcome contribution towards meeting housing need in Kirklees.

10.9 Furthermore, and subject to further details that would be submitted at Reserved Matters stage, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and the measures related to transport that can be put in place by developers.

10.10 Emley and the application site are not isolated and inaccessible, however it is noted that public transport provision in the village is limited – there is no railway station within walking distance, and a Huddersfield-Wakefield bus provides an hourly (at best) service. Although Emley has a relatively extensive network of public rights of way, it is noted that distances between settlements, topography, and shortcomings such as a lack of footpath lighting and footpaths meeting streets without footways mean residents of the proposed development are unlikely to travel on foot in large numbers on a daily basis when moving to and from their homes, workplaces and other destinations. Cycling, although possible along roads, is unlikely to be taken up in large numbers by residents, due to the area's topography and lack of dedicated cycle paths. A major residential development in Emley that was entirely reliant on the private car is

unlikely to be considered sustainable, therefore at Reserved Matters stage the applicant would need to submit a Travel Plan setting out measures to discourage private car journeys, and promote the use of sustainable modes of transport. The council's proposals for the Core Walking, Cycling and Riding Network (which extends to the western edge of Emley) would need to be referred to in the applicant's Travel Plan.

- 10.11 Regarding the social infrastructure currently provided and available in Emley (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, 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. Local education needs are addressed later in this report in relation to planning obligations. Several residents have pointed out that the applicant's description of other local facilities includes errors, and while these are noted, it is also noted that Emley currently has a shop offering Post Office services, two churches, two pubs, a school, and sports and recreation facilities, such that at least some of the social and community needs of residents of the proposed development can be met within Emley, which further indicates that residential development at this site can be regarded as sustainable.
- 10.12 Officers' recommendation to accept the principle of residential development at this greenfield site, however, is not given lightly. If this site is to be released for development, the development's impacts would need to be mitigated, and a high quality development will be expected. These matters are addressed later in this report, and would require further consideration at Reserved Matters stage.

Urban design issues

- 10.13 Relevant design policies include chapter 12 of the NPPF, and Local Plan policies PLP2 and PLP24.
- 10.14 The application site is located at the edge of an existing, well-established settlement. Residential development exists immediately to the east and west of the site, and this means the proposed development would sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Emley. Although the proposed development would be visible from several public vantagepoints, its visual impact would not be significant or adverse in the context of the surrounding development already built. Green Belt land to the south of the site would continue to provide green framing around the enlarged settlement, and urban green space to the north would continue to provide relief in the form of an undeveloped green space between built-up areas.

- 10.15 The proposed site layout shown in drawing 3049-0-001-I, and the number of dwellings illustrated, must be regarded as indicative, given that the applicant does not seek approval of appearance, landscaping, layout and scale, and has not specified a number of units for approval. As this drawing is currently before the council, however, it is appropriate to comment on it, to inform future design work.
- 10.16 The proposed layout is considered problematic. Of particular concern, the proposed development would create poor relationships between dwellings and the surrounding open spaces, and between dwellings and public footpaths DEN/21/20 and DEN/96/10. Opportunities to provide natural surveillance to these routes and areas would not be utilised, and instead there would be several locations where the public realm would be lined with side elevations, rear garden fences and parking areas. The proposed treatment of public footpath DEN/21/20 is also problematic in that, for much of its length through the application site, the footpath would be subsumed into the footway of the proposed development's estate road, whereas a green link of amenity and biodiversity value, possibly lined with on-site public open space, would be more appropriate. As approval of this indicative layout is not sought by the applicant at this stage, however, no layout-related reasons for refusal are recommended.
- 10.17 The proposed layout is suburban in character. The mix of short terraces, detached and semi-detached dwellings proposed by the applicant would assist the efficient use of the site, and would be sufficiently reflective of patterns of existing development in Emley.
- 10.18 With 44 units illustrated in a 1.18 hectare site, a density of approximately 37 units per hectare would be achieved. This is close to the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy PLP7 (as modified) and it is noted that site allocation H358 refers to an indicative capacity of 44 units, albeit for a 1.28 hectare site.
- 10.19 It is not anticipated that the proposed development would adversely affect the significance of nearby heritage assets, however this matter would need to be considered in detail at Reserved Matters stage.
- 10.20 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.21 The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the proposed layout, and these would need to be addressed, crime prevention measures would need to be incorporated, and a revised layout would need to be secured at Reserved Matters stage.

Residential amenity and quality

- 10.22 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties.

- 10.23 As noted above, the site layout shown in drawing 3049-0-001-I is indicative, however it is nonetheless appropriate to comment on it in relation to the amenities of existing neighbouring residents, to inform future design work. Based on this layout and the limited information submitted at this outline stage, it is considered likely that impacts upon the outlook, privacy and natural light currently enjoyed by neighbouring residents will be acceptable, or can be made acceptable through careful (re)design. The proposed positioning and likely heights 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. The proposed dwellings would, or could, be positioned far enough away from neighbouring properties to not adversely affect the amenities currently enjoyed by existing residents.
- 10.24 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. The increased number of people and vehicles passing through Green Acres Close (which is currently a relatively quiet residential street serving a small number of properties) would certainly affect the amenities of those existing residents, however it is considered that this impact would not be so great as to warrant the refusal of outline planning permission on amenity grounds.
- 10.25 Had approval of outline planning permission been recommended, a condition requiring the submission and approval of a Construction Management Plan would have been applied. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.26 The amenities and quality of the proposed residential accommodation is also a material planning consideration, although it is again note that details of the proposed development's appearance, landscaping, layout and scale are reserved at this stage.
- 10.27 All units shown on the applicant's indicate layout would benefit from dual aspect, and are capable of being provided with adequate outlook, privacy and natural light. Dwellings could be provided with adequate outdoor private amenity space.
- 10.28 At Reserved Matters stage, the applicant would be encouraged to provide bathrooms (and possibly bedrooms or adaptable rooms) at ground floor level in the larger units, providing flexible accommodation and ensuring that a household member with certain disabilities could live in this dwelling. Dwellings should have WCs at ground level, providing convenience for visitors with certain disabilities.

Highway issues

- 10.29 Existing highways conditions around the application site must be noted. The site meets the terminus of Green Acres Close to the east, and almost meets the terminus of Wentworth Drive to the west. Both Wentworth Drive and Green Acres Close are relatively quiet residential street. Green Acres Close serves nine dwellings, has footways on both sides of the carriageway, has no yellow road markings, and has vehicular and personnel gates at its terminus (providing access to the application site and the Millennium Green). Green Acres Close connects to the wider highway network via Warburton, which already serves over 80 dwellings, and which has no footways along the majority of its length, has poor sight lines in places (at the junctions with Green Acres Close and Upper Lane), has 16 existing driveways with poor sight lines, has around 15 houses with front doors opening directly onto the carriageway, and has reduced carriageway width (for both pedestrians and vehicles) in places due to on-street parking. 26 parked vehicles were observed on Warburton by Highways Development Management officers on 24/07/2018, and several local residents have submitted commentary and photographs confirming that Warburton is heavily parked on a regular basis. Wentworth Drive has footways on both sides of the carriageway, has no yellow road markings, and connects to the wider highway network at Beaumont Street (which is a continuation of Upper Lane) to the north.
- 10.30 The applicant proposes to provide access for pedestrians, cyclists and vehicles from Green Acres Close. Pedestrians would also be able to access the development from public footpath DEN/21/20 which dissects the site, and public footpath DEN/96/10 to the east. Access to the adjacent Millennium Green would be maintained through the southeast corner of the site, from Green Acres Close. No access is proposed from Wentworth Drive – the applicant has stated that this is because a ransom strip (in the ownership of three or four parties) exists at the terminus of Wentworth Drive. It is understood that the applicant believes that providing access through this third party land would be too difficult and/or costly to secure.
- 10.31 Given Warburton's significant constraints, any proposal to provide the application site's sole vehicular access via Green Acres Close would be of concern, and would be considered inferior to providing vehicular access from the less-constrained Wentworth Drive to the west. Given that access from Wentworth Drive is by far the more appropriate option, at pre-application stage officers advised the applicant that, if they were to pursue the idea of providing access from Green Acres Close, they would need to submit evidence of the efforts made to secure access from Wentworth Drive before it was discounted by the applicant as an option (copies of correspondence with landowners, details of their asking price(s), and other relevant information were requested) and before an inferior access proposal could be considered. This request was repeated at application stage, however no such evidence has been submitted by the applicant.
- 10.32 In an attempt to address the above concerns regarding access, the applicant proposes works outside the application site, to Warburton and to public footpaths DEN/21/20 and DEN/96/10. Footpath DEN/96/10 would be widened from 0.9-1m to 2m, and street lighting would be installed. Footpath DEN/21/20 would be widened and hard-surfaced, and street lighting and signage would be installed. To Warburton, the applicant proposes:

- Footway extension and white lining realignment at the junction with Upper Lane.
- 600mm wide hard margins (with 25mm upstand) and hardened verge along much of the west side of Warburton, between the junctions with Green Acres Close and Upper Lane.
- 600mm wide hard margins (with 25mm upstand) along parts of the east side of Warburton, between 1 to 11 and 23 to 47 Warburton (approximately).
- Related relocating, raising and lowering of gullies, BT cover, lamppost, telegraph pole, manhole covers.
- “H” bar marking out of no parking areas to allow access to the recreation ground and for vehicles to pass.
- “H” bar marking out (and formalisation) of on-street parking areas adjacent to the recreation ground.

- 10.33 As a result of the above works, the carriageway widths of Warburton would be reduced to 5.2m, 5.3m, 5.8m, 5.3m, 5.1m, 4.8m, 4.5m, 4.7m and 5.7m at the various points indicated on the applicant’s drawing 1035 101 rev A at Appendix C of the applicant’s Transport Statement. The applicant is not attempting to suggest that the 600mm wide hard margins can be regarded as footways – rather, they are proposed as “step off” places for pedestrians should they meet an oncoming vehicle, and to provide a buffer between the carriageway and those residential properties that are currently located immediately adjacent to the existing carriageway.
- 10.34 The applicant has submitted a Stage 1 Road Safety Audit dated October 2018. Although paragraph 3.6.6 of the Transport Statement indicates that its findings resulted in amendments to the Warburton proposals, no designer’s response has been provided to confirm how the 14 identified problems have been addressed.
- 10.35 The proposed works to Warburton raise several concerns. The proposed sight line improvements at the Warburton / Upper Lane junction would reduce the width of the carriageway of Upper Lane to through traffic. Upper Lane is a classified road and a bus route, and Highways Development Management officers have advised that reducing carriageway width at this location may not be in the best interests of highway safety, given the potential use of the road by larger vehicles including buses.
- 10.36 The proposed works to the Green Acres Close / Warburton junction would provide minimal improvements to visibility from the junction, and would reduce the width of the carriageway where vehicles park opposite.
- 10.37 It is accepted that hard margins discourage vehicle drivers from travelling close to the carriageway edge, and potentially provide an area for pedestrians to step out of the way of vehicles, however it is noted that drivers already tend not to drive close to walls and hedges, therefore the proposed hard margins are unlikely to be of benefit. Furthermore, there is a risk that drivers of vehicles would simply use the proposed hardened verge (which would replace the existing grass verge) along the recreational field for parking.

- 10.38 The proposed “H” bar road marking intended to provide space for vehicles to pass along Warburton is not enforceable, and would in any case displace parking to other areas of Warburton.
- 10.39 It is considered that the proposed works to Warburton would be of little value, and would not provide real improvements (in relation to highways safety, the flow of traffic, and limiting conflicts) to enable a significant increase in vehicular movements to Warburton to be accepted. Given the problems and conflicts already experienced along Warburton, and the significant increase in traffic that the proposed development would cause, the proposed development would increase risks to pedestrian safety and the risk of conflicts between drivers, and would therefore have an unacceptable, detrimental impact on highway safety.
- 10.40 It is accepted that the proposed widening, surfacing and lighting of public footpaths DEN/21/20 and DEN/96/10 could increase the likelihood of them being used by residents of the proposed development. Residents of Green Acres Close and Saxon Close, and possibly some residents of the southern end of Warburton, may also be encouraged to use these footpaths if they were so improved. This could mean fewer pedestrians would need to negotiate Warburton, and the risk of pedestrian-vehicle conflicts could be reduced. However, it is noted that these public footpaths emerge onto Upper Lane at locations where no nearside footway is available, and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging from these footpaths onto Upper Lane. The attraction of public footpath DEN/96/10 would also be limited by the treatment proposed, and lack of natural surveillance of, the indicative layout proposed by the applicant. Having regard to these shortcomings, the proposed public footpath works, although of some benefit, would not sufficiently address the concerns regarding highways safety and Warburton set out above.
- 10.41 The applicant’s Transport Statement predicts that, for a development of 50 dwellings in this location, approximately 28 trips would be generated during the morning peak hour, and approximately 31 would be generated during the evening peak. These are considered significant in the context of the capacity of Warburton, and such a level of vehicle movement further demonstrates that a sole vehicular access from Warburton would not be appropriate. Furthermore, given the predicted level of vehicle movement, and the lack of information in the applicant’s Transport Statement regarding predicted pedestrian and cycle movements, it is clear that measures (proposed via a Travel Plan) to encourage the use of sustainable modes of transport would need to be proposed at Reserved Matters stage.
- 10.42 Given that the submitted site layout plan is indicative, commentary on the detailed design of the internal estate roads is not necessary at this stage.
- 10.43 There is adequate space within the application site for policy-compliant provision of on-site parking and cycle parking for the indicative 44 units, however details of this provision would be considered at Reserved Matters stage.

Flood risk and drainage issues

- 10.44 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) was submitted by the applicant.
- 10.45 The applicant's FRA appropriately recommends site investigation to ascertain whether infiltration (for the disposal of surface water) would be possible – infiltration would indeed be the preferred surface water discharge method, and the Lead Local Flood Authority's data suggests the site is likely to be highly suitable for infiltration.
- 10.46 The Lead Local Flood Authority (LLFA) has raised no objection to the granting of outline planning permission for residential development at this site. The LLFA have provided further, detailed advice, to inform future design work, however at this outline stage it is not considered necessary to pursue detailed information regarding drainage and flood risk, given that a proposed site layout, and details of the number of residential units (and their locations in relation to potential sources and mitigation of flood risk) would not be fixed, had officers recommended that outline permission be granted. Detailed information would be required at Reserved Matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds, had approval of outline planning permission been recommended.

Ecological considerations

- 10.47 The applicant has submitted a Preliminary Ecological Appraisal Report which states that on-site habitats do not represent a significant constraint to development, and that no protected species have been identified. The report does not recommend that any further, detailed ecological studies be carried out, but recommends "standard" precautions regarding nesting birds and hedgehogs.
- 10.48 The council's Biodiversity Officer has raised no objection to the proposed development, stating that it is unlikely to result in significant ecological harm, subject to conditions. It is possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy PLP30 (as modified) and chapter 15 of the NPPF.

Trees

- 10.49 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site. Many of these are worthy of retention, some may overhang the site boundary, and some should be regarded as constraints at the application site. When a detailed layout is prepared prior to Reserved Matters stage, the applicant would need to provide a good level of separation between the proposed dwellings and these trees, and a full assessment of potential impacts upon these trees would need to be carried out.
- 10.50 The council's Arboricultural Officer has raised no objection in principle to residential development at this site.

Representations

10.51 The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:

- Impacts on Millennium Green – Although there would inevitably be some noise and disruption during the construction period (were planning permission to be granted for the proposed development), it is not considered that noise from the completed development would adversely affect the amenities of the Millennium Green. Furthermore, dwellings would not overshadow this open space. The applicant's amended site layout plan 3049-0-001-I which shows a revised vehicular access from Green Acres Close to the Millennium Green, thus addressing the relevant site allocation requirement, and concerns regarding loss of access.
- Number of units – Residents have noted that 44 dwellings are shown on the indicative layout plan, yet 50 are referred to in some of the applicant's supporting documents. As both figures are taken to be indicative, and as no number of units would be approved at this outline stage, this is not a matter of concern. The number of units would need to be specified at Reserved Matters stage.
- Construction impacts – To address construction noise, dust and other potential impacts, a condition requiring the submission and approval of a Construction Management Plan would have been appropriate, had approval of outline planning permission been recommended.
- Sewerage and water supply – Yorkshire Water have not raised objections in relation to these infrastructure matters.
- Impact on house prices – This is not a material consideration relevant to this planning application.
- Risk of damage to properties on Warburton – This is not a material consideration relevant to this planning application, however the Construction Management Plan (referred to above) would need to include contact details of a site manager, and construction traffic would need to be organised to ensure adverse impacts upon neighbouring properties are minimised.

Planning obligations

10.52 To accord with Local Plan policy PLP11 (as modified), 20% of the proposed development's residential units would need to be provided as affordable housing. These would need to be a mix of 1-, 2-bedroom (especially) and 3+-bedroom units, with a 54% social or affordable rent / 46% intermediate tenure split (although this can be flexible). Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

10.53 The council's Education department were consulted and commented that a contribution of £62,055 would be required, based on the applicant's current indicative layout which illustrates 44 residential units. Following further design work, however, the unit number proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.

- 10.54 No publicly-accessible open space has been illustrated or annotated on the applicant's indicative site layout plan, and at paragraph 3.23 of the submitted Planning, Design and Access Statement the applicant stated that "the development proposals will seek to deliver a financial contribution towards the improvement of existing facilities in the area, rather than on site, in order to deliver benefits to the wider community". Open space contributions would need to be secured via a Section 106 agreement at Reserved Matters stage, having regard to any on-site provision that may need to be secured in connection with revisions to the applicant's indicative layout, and to ensure public footpaths are appropriately treated.
- 10.55 Planning obligations related to the provision and maintenance of drainage systems may need to be secured at Reserved Matters stage.
- 10.56 Contributions intended to mitigate the highways impacts of the proposed development may need to be secured at Reserved Matters stage. The need for such contributions would be assessed once the proposed number of residential units has been confirmed, and following a redesign to address the highways safety concerns set out earlier in this report.

Other planning matters

- 10.57 With regard to ground contamination, the applicant submitted a Preliminary Geoenvironmental Investigation report. The recommendations set out therein are accepted by the council's Environmental Health officers, and appropriate conditions would have been recommended, had the application been recommended for approval, to ensure compliance with Local Plan policy PLP53 (as modified).
- 10.58 The proposed development would cause 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, Local Plan policies PLP21, PLP24 and PLP51 (as modified), the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A condition requiring the submission, approval and implementation of a Travel Plan designed to encourage the use of sustainable and low-emission modes of transport would have been recommended had officers recommended approval of outline planning permission.
- 10.59 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. This is, however, not a reason for refusal of outline planning permission. Had approval been recommended, a pre-commencement condition would have been appropriate, in accordance with the advice of the Coal Authority.
- 10.60 The applicant has not submitted a ball strike risk assessment, and Sport England have submitted a holding objection in relation to ball strike risk. It is not yet established what risks from ball strikes exist at the application site, nor how severe these risks are. This is not considered to be a reason for refusal of outline planning permission, however, as it is noted that measures (if needed) can be put in place to mitigate these risks, and that these would be detailed

and considered at Reserved Matters stage. It is considered that ball strike risk does not prevent the principle of residential development being accepted at this site. Of note, should the Sub-committee resolve to grant outline planning permission (contrary to officers' recommendation and Sport England's holding objection), the current application would need to be referred to the Secretary of State.

11.0 CONCLUSION

- 11.1 The application site is allocated for housing in the Local Plan, and the principle of residential development at this site is considered acceptable.
- 11.2 The proposed development, however, raises significant concerns in relation to highways safety. The mitigative measures proposed by the applicant do not allay these concerns. Due to its detrimental impact on highway safety, the proposed development would be contrary to Local Plan policy PLP21 (as modified), and cannot be supported.

12.0 Reasons for refusal:

- 1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policy PLP21 (as modified).

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90380>

Certificate of Ownership – Certificate B signed