
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

Subject: Planning Application 2019/90264 Erection of 22 dwellings land west of, Oxford Road, Gomersal, Cleckheaton, BD19 4LA

APPLICANT

Riva Homes

DATE VALID

28-Feb-2019

TARGET DATE

30-May-2019

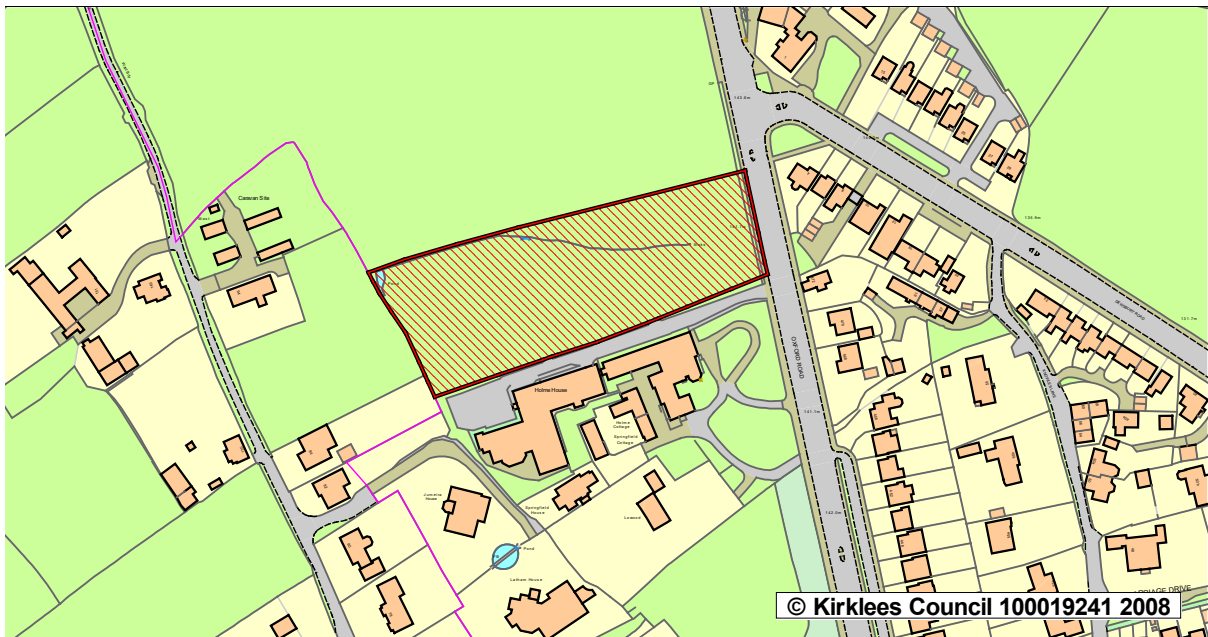
EXTENSION EXPIRY DATE

01-Aug-2019

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<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: Birstall and Birkenshaw

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to:

1. Finalise negotiations on outstanding technical matters relating to drainage.
2. To secure a S106 agreement to cover the following matters:
 - a. Public open space provisions including off site commuted sum (£102,291) and future maintenance and management responsibilities of open space within the site
 - b. 20% of total number of dwellings (4) to be affordable, with all to be Discounted Market Sales Housing.
 - c. Secure the provision and maintenance of surface water drainage/attenuation features.
 - d. Secure the provision of off-site commuted sum for West Yorkshire Combined Authority Metro improvements.
3. Complete the list of conditions including those contained within this report and release the planning permission.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development and Master Planning 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This application seeks the erection of 22 dwellings, with associated works on a Greenfield site allocated (H193) for Housing within the Kirklees Local Plan.
- 1.2 The application is brought to the Heavy Woollen Planning Sub-Committee because the site area exceeds 0.5ha (but less than 61 units), in accordance with the requirements of the Scheme of Delegation to Officers.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site has an area of 0.84ha and is comprised of an open agricultural field, split into two parcels. There is a small agricultural compound to the north-west corner, with a stream crossing the site from west to east. Various young trees follow the course of the stream through the site, with large mature protected trees along the west boundary. The topography of the site, and wider area, slopes downwards from west to east.
- 2.2 Low timber fencing separates the site from neighbouring land. To the east is Oxford Road (A651), with dwellings sited across the road. Running along the south boundary is an access drive serving Holme House Care Home. Part of Holme House has recently been demolished, following the grant of planning permission 2018/91490 (demolition and the erection of 8 dwellings). To the north are open agricultural fields, until the M62 motorway is reached circa 150m away. The west boundary is thick vegetation, separating the site from a field/paddock followed by intermittent dwellings and open land.
- 2.3 The site is on the edge of Gomersal village, to the south and east of the site. To the north, across the M62, is Birkenshaw.

3.0 PROPOSAL

- 3.1 Full permission is sought for the erection of 22 dwellings, comprising a mixture of detached, semi-detached and terraced properties, with a mixture of no garage, detached single / double or integral garages. Accommodation ranges from two-bed to five-bed units, with the following mix;
- Two bed: 3
 - Three bed: 7
 - Four bed: 8
 - Five bed: 4
- 3.2 Eight house types are proposed. The dwellings are predominantly two storeys; however, some units have habitable rooms within their roof spaces. It is proposed to face the units in artificial stone with a mixture of concrete roof tiles.
- 3.3 Physical boundaries within the site include 0.9m high ball top railing by the entrance, with 1.8m closed boarded timber fencing to the east and south site boundaries and between gardens. To the north boundary is to remain as the existing low timber fence, followed by a 2.8m gap (where the culvert runs) to the proposed dwelling's rear fences. These rear fences are to be 1.3m closed timber with 0.3m trellis tops.
- 3.4 A single access for the site is to be formed, from Oxford Road (with a protected right turn for vehicles travelling south along Oxford Road). Internally the road would follow a straight line, onto a turning head at the end and one branch to serve plots 17 – 20. Dwellings would take their private drives from this road. The first 25m is to be standard road, with 2m wide pavement on each side. Following this the road is to convert into a shared surface. Some regrading and levelling is proposed, with retaining walls proposed in some locations.

- 3.5 A section of dry stone wall would be removed to enable the provision of vehicular access from Oxford Road. Two mature trees along the frontage are to be removed to permit the new access. The other mature trees along the frontage are to remain, with a green buffer zone approx. 13m deep on each side of the access before the first units. The existing watercourse is to be re-routed, to follow the north boundary more so than the existing which cuts through the site. This results in various open green spaces through the site (which are not considered formal Open Space).

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

The site has no planning history.

4.2 Surrounding Area

Holme House Care Home

91/02276/: Erection of 54 bed nursing home – Conditional Full Permission

2003/95346: Outline application for erection of 31 retirement apartments – Refused

2005/90405: Outline application for erection of 31 retirement homes – Refused

2009/91089: Erection of extension and alterations to create further accommodation – Conditional Full Permission

2018/91490: Demolition of nursing home and erection of 8 detached dwellings with associated landscaping, boundary treatment and vehicular access – S106 Full Permission

4.3 Planning Enforcement

Application Site

COMP/07/0400/E1: Alleged material change of use of agricultural for the storage of van/truck bodies – No Action Taken

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The site was subject to a pre-application enquiry. Officer feedback included seeking amendments to the positions of the dwellings, minimising the 'hard' boundary to the Green Belt, advice on highway matters as well as indicating the required contributions and information to support a subsequent full application. Officers are satisfied that the applicant has adequately taken into account the issues raised at pre-application stage.

- 5.2 During the course of the application, discussions have taken place regarding the layout of the units due to design and amenity concerns. This included repositioning several plots along the south and east boundaries and introducing a stepped pattern to the development. Other discussions resolved around the boundaries, with a particular focus on the north boundary to the Green Belt. These discussions led to various amendments that were supported by officers. Negotiations took place on the facing materials, including on the use of artificial stone. The applicant provided further details on artificial stone which was, on balance, accepted by officers, while the proposed use of terracotta roof tiles was removed.
- 5.3 Highways, Trees, Ecology and Drainage consultees required either amendments or further information be provided. The Trees, Ecology and Highways matters have been resolved. Overall the drainage is appropriate in principle, however final detailed information is required.
- 5.4 Throughout the processing of the application the applicant has also requested that several amendments be made, principally around house types and internal layouts for units. These were minor changes that did not materially impact upon the assessment process.

6.0 PLANNING POLICY

Kirklees Local Plan (2019):

- 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 27th February, 2019).
- 6.2 The site is allocated as Housing on the LP Policies Map (Allocation H193).
- **LP1** – Presumption in favour of sustainable development
 - **LP2** – Place shaping
 - **LP3** – Location of new development
 - **LP7** – Efficient and effective use of land and buildings
 - **LP11** – Housing mix and affordable housing
 - **LP20** – Sustainable travel
 - **LP21** – Highway safety and access
 - **LP24** – Design
 - **LP27** – Flood risk
 - **LP28** – Drainage
 - **LP29** – Management of water bodies
 - **LP30** – Biodiversity and geodiversity
 - **LP33** – Trees
 - **LP35** – Historic environment
 - **LP51** – Protection and improvement of local air quality
 - **LP52** – Protection and improvement of environmental quality
 - **LP53** – Contaminated and unstable land

National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of houses
- **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

Supplementary Planning Guidance / Documents

- DCLG: Technical housing standards – Nationally Described Space Standard
- Kirklees Local Plan Supplementary Planning Document Consultation Draft: Highway Design Guide

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application is supported by a Statement of Community Involvement. Their process included sending letters to the closest neighbouring dwellings (circa 36 premises) as well as forwarding the letter onto local ward members. It outlined development project team's desire to engage with the local community in order to hear their views on the proposed development by inviting local comments. Five responses were received, raising issues of highway safety, loss of trees, impact on residential amenity and the character of the village. The applicant notes these concerns, however considers that their final submission address the points raised.

7.2 The application has been advertised via site notice and through neighbour letters to addresses bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.3 The public representation period for the application expired on Friday the 5th of April, 2019. Two public representations have been received in response to the public representation period. The following is a summary of the comments made;

- *Objection to the removal of the last remaining Green Belt land within the village and its use for residential. The village is being eroded away and becoming a part of Leeds/Bradford.*
- *22 units is an overdevelopment of the site and is harmful to the local environment.*

- *The proposed units, in addition to the eight approved on the adjacent site (2018/91490), will cause issues for the local Highway which is already over busy.*
- *The houses on the western edge will cause harm to neighbouring residents, particularly through a loss of privacy.*
- *Concerns over the loss of trees to the front of the site.*

7.4 Amended plans have been received during the course of the application. This includes slight changes to the layout and dwelling types. Given the limited level of public represent received to the initial proposal and the nature of the changes not impacting upon the issues raised via representation, the overall minor variations undertaken by the amendments and that no neighbouring residents are considered to be prejudiced by the new plans, it was determined not to re-advertise the proposal.

Local Ward Member Interest

7.5 Due to the scale of the development, representing a major proposal, the local ward members were notified of the proposed development. Birstall and Birkenshaw Ward. The Local Members are Councillor Elizabeth Smaje, Councillor Charlotte Goodwin and Councillor Mark Thompson.

7.6 Councillor Smaje responded, raising concerns with the development. These are summarised as;

- The density of the development is too great and does not fit in with existing properties in the area.
- Insufficient consideration has been given to the site's gradient.
- There is no recognition that the site is close to an Air Quality Management Zone.
- The access to the site is close to a very busy junction, adding to existing traffic problems within Birkenshaw. The assessment has not given appropriate assessment to peaks in traffic from the nearby school. The 253 bus no longer operates.

7.7 The site's west boundary forms the shared boundary between Birstall and Birkenshaw Ward and Cleckheaton Ward, with Liversedge and Gomersal's ward boundary being circa 300m to the south along Oxford Road. Because of the proximity to these Wards, the respective Councillors were also informed however no comments have been received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways Development Management: No objection subject to condition and S106.

The Coal Authority: No objection subject to condition.

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

K.C. Crime Prevention: Provided advice and feedback through the assessment process.

K.C. Ecology: Sought further details and clarification during assessment process. On receipt, confirmed no objection subject to condition.

K.C. Education: Confirmed that no education contribution is required.

K.C. Environmental Health: No objection subject to condition.

K.C. Landscape: No objection subject to condition and S106 for contribution towards off-site POS and LAP.

K.C. Lead Local Flood Authority: On-going. No objection in principle, however final technical detailed design information required following initial concerns.

K.C. Strategic Housing: Confirmed that the offered affordable houses comply with the desired affordable housing size, tenure

K.C. Trees: No objection subject to condition.

9.0 MAIN ISSUES

1. Principle of development
2. Urban design
3. Residential amenity
4. Highway issues
5. Planning obligations
6. Other matters
7. Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation (Housing)

- 10.2 The site is allocated as Housing on the Local Plan proposal's map, allocation H193. Accordingly, the proposed residential use is acceptable. This is supported by LP1 of the Local Plan and Chapters 1 and 5 of the NPPF which establish a general principle in favour of residential development.
- 10.3 Nonetheless local and national policy require additional tests to ensure the proposed residential development is appropriate. LP7 of the LP and Chapter 11 of the NPPF establish a need to provide appropriate densities of dwellings. LP11 of the Local Plan and Chapter 5 of the NPPF seek to ensure an appropriate mixture of dwelling types and sizes.
- 10.4 First considering density, LP7 establishes a minimum target density of 35 dwellings per ha, where appropriate. Allocation H193, considering the developable area of the allocation (giving reasonable reductions due to the presence of a culvert, protected trees and sloping topography), has an indicative housing capacity of 21 units. 22 units are sought, which is considered appropriate and in compliance with LP7 and Chapter 11.
- 10.5 Turning to housing mixture, the proposal seeks the following;
- 3 two beds
 - 7 three beds
 - 8 four beds
 - 4 five beds

The site includes a mixture of detached, semi-detached and terraced properties, of varied sizes. Officers consider this to represent an appropriate housing mixture, in accordance with the aims and objectives of LP11 and Chapter 5.

- 10.6 Accordingly, officers consider the principle of development to be acceptable. Consideration must be given to the proposal's local impact, assessed below.

Urban Design

- 10.7 Relevant design Policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.
- 10.8 The proposal would represent the urban extension of Gomersal, an established settlement. The application seeks to enlarge the settlement with 22 dwellings and the proposal would form a new boundary between Gomersal and the Green Belt. However, the proposal would not extend higher than the dwellings on Oxford Road and Dewsbury Road to the east and Latham Lane to the west, while being confined by Holme House to the south and Oxford Road to the east. Thus the proposal would not 'protrude' outside of Gomersal's existing built layout into open countryside. Development on a currently green field will reduce and push back the green framing around the settlement, however, fields beyond the application site, further to the north, would continue

to provide green framing around the extended settlement. A sizeable separation of open Green Belt land would be retained between the proposed village edge and the M62, retaining the spacious characteristic.

- 10.9 Considering layout, the development is to have a straight spine road with turning at the end and a single off branch. This initially resulted in a regimented layout for the dwellings, which appeared monotonous. For these reasons, the layout did not respect that of adjacent streets. Following discussions between officers and the applicant the dwellings were re-positioned and angled to allow for a more natural and engaging layout. The amended layout suitably harmonises and reflects the pattern of development of surrounding streets and is considered acceptable. This includes the density of development, which is deemed to be appropriately comparative.
- 10.10 Regarding levels, while some excavation is to be undertaken to form level building plots, overall the proposed development follows the natural rising land level of the site (raising from east to west). Minor retaining works are required around the site, notably between plots 4 – 10, with a maximum wall height of 1.2m. The heights of units likewise follow the natural land level. Officers consider the site levels and building heights to be acceptable.
- 10.11 The elevations of the proposed dwellings are considered visually attractive and engaging, while respecting the vernacular of dwellings in the wider area. With 8 different unit types proposed over 22 units, there would be sufficient variety in massing, building sizes and elevations across the development, so that it would not appear repetitive. Architectural details, such as fenestration, are to be consistent within the site to ensure harmonious appearances within the site. The overall effect would be of a contemporary development that respects and complements both the historic and modern elements of Gomersal.
- 10.12 Turning to materials, the dwellings are to be faced in artificial stone. The site is neither within a Conservation Area nor immediately adjacent to a Listed Building. Materials in the area are varied, with artificial stone, natural stone, render and brick being evident, although none being predominant. The adjacent Holme House is faced in a good quality artificial stone. Although it is acknowledged that the proposal represents an urban extension into the Green Belt and also would be an entrance way into Gomersal, on balance and subject to a suitably high quality samples being provided by condition, officers are accepting of artificial stone. Roofing is to be concrete tiles. While stone slates are evident on historic buildings, concrete tiles are common in the area and are not opposed in this development.
- 10.13 The boundary treatment of the site includes the area TPO along the frontage being retained, with some thinning, and the erection of a 1.2m high estate railing along the frontage with Oxford Road. This is considered a high quality boundary that will retain openness and allow good visibility of the open land and trees to the front of the site. The northern boundary is to the Green Belt and officers were keen to avoid a substantial or 'hard' boundary. This must be balanced against the need for reasonable privacy and security. It is proposed that, for the majority of the site, the existing circa 1.5m high post and rail timber fence would be retained on the north boundary. This would be followed by a 2.5m gap, under which the culvert would run, and then the rear boundaries of the plots. These are to be 1.5m high closed board fencing, with 0.3m high

trellis topping. It is considered that this combination would provide privacy and security, while also ensuring a relatively open boundary to the Green Belt. This is further aided by the proposed planting, considered further below. Boundaries between units is to be 1.8m timber feathered fencing, which is acceptable. Along the south boundary, to Holme House's access drive, it is to be a mixture of 1.8m timber feathered fencing broken by shorter 1.0m fencing with 0.3m trellis. This is likewise considered to secure a balance between privacy, security and openness.

- 10.14 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, including along the north boundary to the Green Belt. A condition requiring further details of these aspects of the proposed development, and their implementation and maintenance, is recommended. No Public Open Space or a Local Area of Play are to be provided on site. This will be considered in greater detail below. Nonetheless, the development would have open green spaces, including to the frontage with the protected trees and along the culvert's route. These are not considered 'public', as they would not serve the intended purpose of Public Open Space. They would however add greenery and openness to the site.

Historic environment

- 10.15 The site is to the north of West House, a Grade 2 Listed Building, and Gomersal Conservation Area. The site is 135m from the listed dwelling, 85m from West House's listed boundary wall and 315m from the Conservation Area. Giving due regard to S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act, officers are satisfied that the site is sufficient distance away from each of these heritage assets, with intervening development, so as not to harm their heritage significance. The proposal is deemed to comply with LP35 of the LP and Chapter 16 of the NPPF.

Residential Amenity

- 10.16 LP24 seeks to protect the amenity of residents, stating proposals should *'provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings'*. This reflects the guidance of Chapter 12 of the NPPF.
- 10.17 To the north of the site is open fields. To the east, across Oxford Road are nos. 4 – 6 Dewsbury Road, in excess of 40m from the closest proposed unit (plot 1) and with mature trees, to be retained, between. To the west is nos. 84 and 94 Latham Lane. These units are in excess of 45m to the closest units (plots 11 and 14). Officers are satisfied that these separation distances are sufficient to prevent concerns of overbearing, overshadowing or overlooking upon the named residences.
- 10.18 To the south is Holme House, a nursing home. The building's north elevation has numerous bedroom windows facing towards the site. Given the layout of the proposal, many of these overlook either open landscaped areas or driveways. Several windows are directly aligned to plots 15, 16 and 17's side elevations, however the separation distance of 12.65m is considered sufficient to prevent concerns of overbearing. As the new development is due north of Holme House, overshadowing would not occur. Plot 15 does have windows

on its side elevation facing Holme House, with plots 22, 20, and 14 all having side windows close to the access driveway for Holme House. These side windows serve non-habitable rooms; it is proposed to condition these be obscure glazed, in the interest of preventing harmful overlooking and to secure the privacy of future occupiers. Subject to this condition, officers are satisfied that the development would not harm the amenity of Holme House's occupiers.

- 10.19 To the south-east application 2018/91490 approved the demolition of part of Holme House nursing home and the erection of eight residential units. The demolition has taken place, but construction of the houses has not started. While not built, consideration must be given to the relationship between each of these proposed developments. Nonetheless, there is considered to be good separation between the developments, with Holme House's access driveway between the sites. The distance between dwellings with facing habitable room windows is in excess of 27m, with the closest dwellings being 17.5m apart with facing side elevations. Therefore, officers are satisfied that the amenity of future occupiers of 2018/91490 would not be harmed by the proposal.
- 10.20 Consideration must also be given to the amenity of future occupiers. First considering the internal relationship between units, officers are satisfied that the proposed plots are suitably spaced to one another to prevent concerns of overbearing, overshadowing or overlooking between units.
- 10.21 Internally, the units exceed the advisory minimum standards of the Technical Housing Standards document, with the exception of the Stafford House type (3 units) which is 3sqm below. Given this minor shortfall and the otherwise high standard of amenity residents can expect, on balance officers do not object to this shortfall. Externally garden sizes are considered appropriate and commensurate in scale to their host dwellings. All habitable rooms are to be served by sizeable windows which would provide a good standard of outlook and natural light.
- 10.22 Records indicated that the site is adjacent to a poultry farm. This raised initial concerns over odour pollution, however subsequent site visits and investigations identified that the farm no longer operates. There are no other odour pollutants in the wider area.
- 10.23 At its closest point the site is 190m south of the M62 motorway. The applicant has submitted a Noise Report that has been reviewed by K.C Environmental Health. Environmental Health agree with the general findings of the report, that the site is suitable for residential development, provided a further extensive report is carried out to determine mitigation measures to achieve the desired internal noise levels. A condition for the submission of the required information has been proposed, which officers considered acceptable to secure appropriate noise mitigation and amenity, in accordance with the aims and objectives of LP52 of the LP and Chapter 15 of the NPPF.
- 10.24 Subject to the listed conditions, officers are satisfied that the proposed development would not harm the amenity of neighbouring residents. Likewise, future occupiers can be expected to have an acceptable standard of amenity. Therefore the proposal is deemed to comply with Policies LP24 and LP52 of the LP and Chapters 12 and 15 of the NPPF.

Highway issues

- 10.25 An access is to be formed from Oxford Road which will serve the 22 dwellings via a new road. Appropriate sightlines for this access have been demonstrated and can be secured/retained via condition. As part of the proposals, the existing geometry of Oxford Road will allow a right turn pocket approximately 2.6m in width to be formed within the existing central hatching. This is to be secured via condition. The proposed access will be 5.5m wide with 6m junction radii on to Oxford Road. Access for large vehicles has been demonstrated via swept path plans.
- 10.26 The internal spine road serving the development will have a longitudinal gradient of 1:25. Within the site a turning head is to be provided which is an appropriate size for service vehicles. Full technical details of the road, to an adoptable standard, are to be sought via condition. Considering parking, larger properties have either integral, attached or detached single or double garages. Each of the two and three bed dwellings are shown to have a minimum of 2 off street parking spaces. Four bed+ units are to have three parking spaces. This is considered acceptable. Four visitor parking spaces are shown, and while five would be desirable given the scale of the development, as the unit-specific parking standards have been achieved and exceeded in places, on balance a shortfall of one visitor parking space is not opposed. A condition is to be imposed requiring the parking spaces shown to be provided (and appropriately surfaced/drained).
- 10.27 Assessing traffic generation, the applicants have provided a Transport Assessment prepared by Via Solutions Ltd. This is summarised as follows:

The potential traffic impact of the proposals has been assessed by interrogating the TRICS database to derive the peak hour generation. A development of 22 properties would typically be expected to generate in the region of 17-19 trips during the AM and PM peak periods.

The access to the site is within 400m of several bus stops along Oxford Road. A flag and pole stop is located to the western side of the carriageway adjacent to the south eastern corner of the application site with a further stop approximately 60m south on the eastern side of the carriageway. Timetable information is provided at both stops.

Injury collision data has been obtained from 1 January 2013 to 31 December 2017. The collision data shows that two incidents have occurred within the vicinity of the site or along Oxford Road. After analysing the accident reports both incidents were as a consequence of driver error.

More up to date injury collision data was requested, provided and deemed acceptable. The Transport Assessment concludes that the proposed development can be accommodated on the adjacent highway network without any significant negative impact and there are therefore no highway capacity or safety reasons why this development should not be granted planning approval. Officers and Highways DM concur with this assessment.

- 10.28 Given the scale and nature of the development officers would seek a Construction Management Plan via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.
- 10.29 The West Yorkshire Combined Authority have requested the developer provide a contribution to enhance a local bus stop, through the provision of a shelter and a Real Time Information Display, along with seeking Residential MetroCards. The purpose of these incentives is to promote sustainable travel measures, as sought by Policy LP20 of the Kirklees Local Plan and Chapter 9 of the NPPF. Discussions are ongoing between officers and the applicant on these desired contributions, with further information to be provided to members within the Committee Update.
- 10.30 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies PL21 and PL22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Planning obligations

Affordable housing

- 10.31 In accordance with Policy LP11 of the LP, the proposal requires a contribution of affordable housing; 20% of total units. This would amount to four units, which the applicant is offering. The dwellings being offered consist of three two-bed and one three-bed units. The Council's Strategic Housing department has reviewed this offer and consider it to be acceptable, citing that there is an identified need for 1-3+ bed houses within the Batley and Spen area.
- 10.32 Policy LP11(a) of the LP requires tenure to cater for the type of affordable need identified in the latest housing evidence (SMHA) to meet the needs of specific groups. The applicant has proposed providing all four dwellings as Discounted Market Value. Different forms of lower cost home ownership are included in the definition of affordable housing in the Planning Policy Framework, alongside other forms of affordable housing such as Social Rent and Affordable Rent. While policy LP11 of the LP typically seeks a mixture of tenure types, considering the rate of owner occupiers is lower in this area compared to other areas in Kirklees, for this particular site both Planning and Strategic Housing officers consider it to be acceptable for the applicant to provide 4 Discounted Market Value units.
- 10.33 Policy LP11(c) of the LP requires that affordable housing provision should be indistinguishable from market housing in terms of achieving the same high quality of design. In terms of location, ideally affordable housing would be 'pepper-potted' through the site. This is not the case, with the units (plots 15 – 17 and 19) being together. Conversely, the scale of the development is not large enough to allow for easy pepper-potting. Nonetheless, the proposed units are central within the site and not hidden away. In terms of design, officers are satisfied these are high quality, to the same standard of the proposed market housing.

- 10.34 In conclusion, officers consider the proposed affordable housing offer to be acceptable and in compliance with policy LP11 of the Local Plan. A S106 Agreement is to be secured to control this provision.

Education

- 10.35 The scale of the development does not trigger a requirement for an education contribution.

Public Open Space

- 10.36 New housing developments are required by policy LP63 of the KLP to provide or contribute towards new open space or the improvement of existing provision in the area. While there are open areas on the site, to be retained as grassed land, these are not considered 'open spaces' that are practical and usable for the purposes of LP63. Therefore an offsite contribution is required by the development.

- 10.37 The development also passes the threshold for providing a Local Area of Play. This is likewise not to be provided on site, and requires an offsite contribution.

- 10.38 The cumulative total of the offsite contribution for Open Space and Local Area of Play is £102,291. The offsite contributions would be spent on enhancing an existing nearby amenity greenspace with equipped facility within the recommended walking distance from the proposed developments (on Richmond Grove). This is to be secured via a S106 Agreement, to comply with the aims and objectives of policy LP63 of the Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

Sustainable Travel

- 10.39 As outlined within paragraph 10.29, discussions are ongoing between officers and the applicant in regards to a contribution for promoting sustainable travel measures, specifically through the provision of enhanced bus stop facilities and MetroCards. Further information shall be provided to members within the Committee Update.

Other Matters

Air quality

- 10.40 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapters 9 and 15 of the NPPF, local policy contained within policies LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

- 10.41 Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling. The purpose of this is to promote modes of transport with low impact on air quality, in accordance with the aforementioned conditions.

Coal legacy and contaminated land

- 10.42 The site is within a High Coal Risk Area. A Coal Mining Risk Assessment (CMRA) was submitted with the application and sent onto the Coal Authority (CA) for assessment.
- 10.43 The CA concur with the CMRA's findings and recommendations. Therefore, they advise that a set of intrusive site investigations be undertaken, reported and appropriate remediation details be provided via a condition. Subject to these conditions the CA does not object to the proposal.
- 10.44 Turning to contaminated land, the application is supported by Phase 1 and Phase 2 ground investigation reports. On review, Environmental Health confirm that conditions relating to ground contamination investigation, remediation and validation are required. This includes additional Phase 2 work, as Gas Monitoring has not been provided to date.
- 10.45 Both the Coal Legacy and Contaminated land conditions would have to be pre-commencement. This is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out at the appropriate stage of the development process. Officers support the implementation of these conditions, to comply with policy LP53 of the LP and Chapter 15 of the NPPF.

Ecology

- 10.46 The site is adjacent to a bat alert layer and circa 120m south of a habitat network. A preliminary Ecological Appraisal Report has been submitted to support the proposal which has been reviewed by K.C. Ecology.
- 10.47 The site is considered to be of limited ecological value, being predominantly grazed field although there are wooded sections of the site. Two mature trees are to be lost will need to be suitability mitigated. This can be secured through a condition requiring an Ecological Design Strategy be undertaken and implemented.
- 10.48 Five (5) ponds were identified within 500m of the site that have the potential to host Great Crested Newts, with several of the ponds being accessible to the site. However the ponds are all private land which, despite their efforts, were not acceptable for survey by the applicant. A Great Crested Newts Method Statement has been provided to address how the site will be managed to avoid harm upon local Great Crested Newts. Subject to this being implemented, securable via condition, Officers and K.C. Ecology do not consider the proposal detrimental to local species.
- 10.49 Himalayan Balsam, an invasive non-native species has been identified on site. A condition is to be imposed requiring a protocol be submitted and implemented, detailing the containment, control and removal of the plant, in the interest of preventing further propagation and harm to local ecology.
- 10.50 Subject to the proposed conditions, officers are satisfied that the proposal would preserve and enhance local ecology, in accordance with the aims and objectives of policy LP30 of the Local Plan and Chapter 15 of the NPPF.

Trees

- 10.51 The trees along the site frontage, predominantly Sycamores, with Ash and Cherry, benefit from a group Tree Preservation Order (TPO). Four are proposed to be removed as part of the application, with pruning and maintenance works to others. Several young trees (Hawthorne / Crab Apple) within the site, which do not benefit from a TPO, are also to be removed. The proposal is supported by an Arboricultural Survey, Impact Assessment and Method Statement.
- 10.52 There is no concern to the removal of the young trees within the site. Regarding the protected trees, two (Cherry) are to be removed due to their poor condition and are to be replaced within the planting strategy. Officers and K.C. Trees concur that their state justifies their removal. The remaining two (a Sycamore and an Oak) are to be removed to enable the access works to the development. Given that the whole area TPO is between the site and Oxford Road, to take access from Oxford Road would inevitably require tree removal. The applicant has, to the satisfaction of officers, discounted access from the access to Holme House. Following discussions and amendments to their protection plan, K.C. Trees are satisfied that the access can be formed with the minimal tree loss and while limiting the impact on adjacent trees to remain.
- 10.53 The pruning and maintenance works proposed to other trees are reasonable and have been adequately justified.
- 10.54 K.C. Trees support the proposal, subject to the development being undertaken in accordance with the details contained within the Arboricultural Method Statement and the supplementary Protection Plan. Subject to this, officers are satisfied that the development complies with the aims and objectives of policy LP33 of the LP and Chapter 15 of the NPPF.

Drainage and flood risk

- 10.55 The site is within flood zone 1 and less than 1ha; the watercourse/culvert crossing the site is not deemed substantial enough to be classed as a 'flood risk', subject to appropriate management. Therefore a site specific Flood Risk Assessment is not required.
- 10.56 Foul drainage is to be via main sewer, which is acceptable. Turning to surface water, sustainable drainage systems of infiltration techniques are considered to be unsuitable on this site, which the LLFA concur with. A culvert crosses the site, where surface water outfall will be taken to. A suitably sized attenuation feature has been proposed. Notwithstanding this, the Lead Local Flood Authority are awaiting further details relating to the management of the culvert and surface water drainage. The principle of these matters has been established and discussions have taken place on the final design matters. While these are outstanding, officers are satisfied that they will be resolved imminently and positively. The ongoing management of the culvert and attenuation features is to be secured via S106.

- 10.57 Considering the above, it is recommendation by officers that the application be approved, subject to delegation back to officers to resolve these outstanding matters, to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Representations

- *Objection to the removal of the last remaining Green Belt land within the village and its use for residential. The village is being eroded away and becoming a part of Leeds/Bradford.*
Response: The Local Plan, adopted February 2019, removed the site from the Green Belt. The site is now a housing allocation as part of the Kirklees Local Plan.
- *22 units is an overdevelopment of the site and is harmful to the local environment.*
Response: 22 units is considered to comply with the Local Plan's target density for the site. In terms of the impact of this density, this has been considered within this report. In summary, officers are satisfied there would be no undue harm to visual amenity, residential amenity or other planning considerations by virtue of the proposed density.
- *The proposed units, in addition to the eight approved on the adjacent site (2018/91490), will cause issues for the local Highway which is already over busy.*
Response: The impact of the proposed development on the local highway network has been considered within paragraphs 10.25 – 10.29 of this report. While the proposed development and application 2018/91490 are noted to be adjacent to one another, officers are satisfied that, both individually and cumulatively, there would be no undue harm caused to the safe and efficient operation of the highway.
- *The houses on the western edge will cause harm to neighbouring residents, particularly through a loss of privacy.*
Response: The houses in question and the proposal's impact upon them is considered within paragraph 10.17 of this report. In summary, the separation distance between the existing and proposed houses is considered sufficient to prevent concerns of harm to residential amenity.
- *Concerns over the loss of trees to the front of the site.*
Response: The loss of trees, which do benefit from Tree Preservation Orders, is noted. However, on the planning balance, officers consider the loss of two trees to be offset by the other benefits of the proposal, which include providing housing at a time of general shortage. It is noted that the majority of the protected trees along the site frontage onto Oxford Road will be retained.

Local councillor comments

- *The density of the development is too great and does not fit in with existing properties in the area.*
Response: Officers note these comments, however, it is considered that the proposal does appropriately respect and reflect the layout and character of the surrounding area. This is outlined in paragraph 10.9 of this report.

- Insufficient consideration has been given to the site's gradient and how it causes the development to impact on the area.*

Response: The applicant has submitted further cross-section plans which show, in full detail, the proposed levels of the site and the subsequent visual impact. Officers consider these to be acceptable.
- There is no recognition that the site is close to an Air Quality Management Zone (AQMZ).*

Response: This is noted, with the AQMZ being circa 250m to the north of the site (across the M62, covering part of the roads serving Milford Grove and Manor Park Gardens). Nonetheless, the site is not within the AQMZ. The development's impact on air quality has been considered by Environmental Health, who consider the inclusion of one electric vehicle charging point per dwelling reasonable to offset the proposal's impact on Air Quality. This is considered reasonable, given the scale of the development and is recommended to be conditioned accordingly.
- The access to the site is close to a very busy junction, adding to existing traffic problems within Birkenshaw. The assessment has not given appropriate assessment to peaks in traffic from the nearby school. The '253' bus no longer operates.*

Response: Officers and Highways DM are satisfied that the proposal is a sufficient distance from the junction in question, while the protected right-hand turn to be provided will ensure no queuing back past the lights. Furthermore, the traffic generation of the proposal is not considered sufficient to harm the safe and efficient operation of the highway, giving due consideration to nearby schools and existing highway circumstances.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposal seeks residential development on a housing allocated, with the development achieving an acceptable density of dwellings. Therefore the principle of development is considered to be acceptable.
- 11.3 In terms of the local impact, the design and appearance of the proposal is considered acceptable. There would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been assessed and identified not to be materially impacted upon. The proposal would provide an enhancement to local affordable housing and open space in line with policy.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard time limit for commencement of development.
2. In accordance with plans.
3. Sightlines provided / retained.
4. Appropriate Coal Legacy and Contamination Investigation.
5. Relevant drainage conditions.
6. Landscaping implemented and retained in accordance with plans.
7. Development to be carried out in accordance with Arboricultural Method Statement.
8. Submission of an Ecological Design Strategy.
9. Great Crested Newt Method Statement to be undertaken.
10. Protocol for removal of Himalayan Balsam.
11. Adoptable road details.
12. Protected right turn details to be submitted and implemented.
13. Parking areas provided, surfaced and drained.
14. Submission of a Construction Management Plan.
15. Submission of a Noise Mitigation Strategy.
16. Non-habitable room side windows to be obscure glazed.

Background Papers

Application and history files

Web link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90264>

Certificate of Ownership

Certificate B signed. Notice served on;

- Kirklees Council (Highway works)