
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/92378 Outline planning permission for erection of residential development east of, 28, Northorpe Lane, Mirfield, WF14 0QN

APPLICANT

J Cowell

DATE VALID

16-Jul-2019

TARGET DATE

15-Oct-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: Mirfield

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 Planning and Development in order to await the expiration of the publicity period and to consider any further comments and to subsequently complete the list of conditions including those contained within this report

1.0 INTRODUCTION:

- 1.1 This is an application for outline planning permission for residential development, with all matters reserved (other than access).
- 1.2 This application is reported to the Heavy Woollen Planning Sub-Committee due to the size of the site and the number of representations that have been received.
- 1.3 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that this item can be referred to Heavy Woollen Sub Committee and is in accordance with the Councillors' Protocol for Planning Sub Committees.
- 1.4 The site is allocated for housing on the Kirklees Local Plan (site allocation ref. HS69). This site designation indicates that a capacity of 48 dwellings is applicable for this site.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located at land at the rear of no. 28 Northorpe Lane which is an area of grassed land which slopes downwards to the east to an area of woodland which is made up of mature trees. The woodland is outside of the red line boundary. To the north of the site is open land which is allocated as Green Belt. At the time of the site visit, there were several trees within the site itself, which have since been felled.
- 2.2 To the south and west of the site is predominantly residential, with a variety of dwelling types within the vicinity of the site. The access to the site will require the demolition of no. 28 Northorpe Lane which is a detached dwelling constructed primarily of render. There is a large area of hardstanding to the front.

- 2.3 On the frontage of the application site, there is a stone boundary wall. This continues along one side of Northorpe Lane. There are other boundary treatments fronting the other properties, meaning that there is a variety in the area.
- 2.4 The majority of the application site is within a Coal Mining High Risk Area as defined by the Coal Authority. The site is also within Flood Zone One.

3.0 PROPOSAL:

- 3.1 Outline planning permission is sought for the erection of residential development. It is only 'access' details that are being sought under this planning application. All matters relating to 'layout', 'scale', 'landscaping' and 'appearance' are reserved for any subsequent reserved matters application.
- 3.2 The applicant has submitted a plan which shows an indicative layout of 48 dwellings on the site. This site layout is not being assessed as part of this outline planning application; only the principle of development along with the point of access.
- 3.3 As set out above, it is access details that are being sought at this stage, with the proposed development being served from Northorpe Lane following the demolition of no. 28 Northorpe Lane.
- 3.4 A serpentine road layout within the development has been shown on the indicative site layout plan. However, this is not under consideration at this stage. The plan also shows parking within the site but once again, this is for indicative purposes only.
- 3.5 The block plan shows an area of Public Open Space to the north-east corner of the site, on either side of the access to the site and within the site itself however, once again, this is only indicative and the layout is not under consideration at this stage.
- 3.6 The grassed area of Council Highway land to the west of the application site (adjacent to Northorpe Lane) is advised by officers to be used (in part) as a layby for vehicles to park in. This would be secured via Grampian-style condition, with this condition requiring further details including cross sectional drawings to show how works to the layby shall be secured.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 93/00369 – Change of use of land for the rearing and breeding of ornamental fish together with retention of existing earth mound and 5 ponds and excavation of further 10 ponds for same use REFUSED (appeal allowed)
- 4.2 2008/9348 – Erection of detached dwelling with integral garage REFUSED (appeal dismissed)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has been in negotiations with the agent to secure additional information necessary for the determination of the application – a preliminary ecological appraisal, a flood risk assessment, a health impact assessment and further highways information. This information has been submitted and subsequently reviewed by consultees, and found to be acceptable subject to conditions, for the reasons set out in the main assessment below.

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 27th February 2019).
- 6.2 The site is allocated for housing on the Kirklees Local Plan (*housing allocation reference HS69*).
- 6.3 Kirklees Local Plan (KLP):

The following policies are considered relevant:

- LP1** – Achieving sustainable development
- LP2** – Place Shaping
- LP3** – Location of new development
- LP11** – Affordable housing and housing mix
- LP20** – Sustainable travel
- LP21** – Highway Safety and Access
- LP22** – Parking
- LP23** – Core walking and cycling network
- LP24** – Design
- LP27** – Flood Risk
- LP28** - Drainage
- LP30** – Trees
- LP32** - Landscape
- LP33** – Biodiversity and geodiversity
- LP35** – Historic environment
- LP38** – Minerals safeguarding
- LP47** – Healthy, active and safe lifestyles
- LP48** – Community facilities and services
- LP49** – Educational and health care needs
- LP50** – Sport and physical activity
- LP51**– Protection and improvement of local air quality
- LP52**– Protection and improvement of environmental quality
- LP53** – Contaminated and unstable land
- LP63** – New open space

6.4 National Planning Policy Framework (NPPF):

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 efficient use of land

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, coastal change and flooding

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Chapter 17 – Facilitating the sustainable use of minerals

6.5 Supplementary Planning Guidance

- Highways Design Guide Supplementary Planning Document
- Kirklees Local Plan allocations and designations
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)
- Mirfield Design Guide (2002)

6.6 The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement.

7.2 As a result of the statutory publicity, 80 letters of objection have been received (including a members list of 'Save Mirfield' with 813 signatures). The concerns raised are summarised as follows:

- Principle
- Traffic pollution / highway safety / congestion (photographs and dates attached to representations)
- Reference made to submitted highway reports
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?
- Lots of protected species on the site – Woodpeckers, Cuckoos, Owls, Hares, Rabbits and Rodents
- Inadequate road infrastructure
- Green space being lost
- Disruption
- Loss of trees
- Drainage

- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity
- Drainage of the site
- It is safe to drive through flooding? Risk of vehicle damage, for example.
- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns regarding traffic flow, safety and the road infrastructure
- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access.
- Been told lane does not need resurfacing
- Lane not changed at all since days prior to motor vehicles
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients
- Development of this scale would have a serious impact on local residents
- Application in 2008 was refused to build another single property and the reasons for reasons for refusal should be noted.
- Number of other refusals of Northorpe Lane due to concerns about traffic
- National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.
- Think a message needs to be sent that this is not an acceptable plan in its current form.
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed
- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road. Hardstanding would make this worse – sewage system barely copes at present
- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are under estimated.
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area
- Pressure on medical services and unclear how further demand will be met
- Mirfield schools already oversubscribed – where will the children be educated?
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change
- Density and type of housing does not match the surrounding housing
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams
- Nuisance to residents as a result of contractor vehicles
- Poor air quality
- Surface water problems. Reference made to incidents of flooding and neighbours having to raise their gardens to stop garden being water logged.
- How will mains drainage be provided – no information provided and infrastructure can meet the demand of a new development
- Lower corner of field affected by flooding.
- Currently no housing estates. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall
- Danger to pedestrians and horse riders coming and going to livery yards

- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site
- Overbearing/ overshadowing/loss of light
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring
- Not clear how many houses being applied for – site plan indicates 48, form says 44.
- New houses required but Northorpe Lane totally unsuitable location
- Junctions unsuitable and unable to handle additional burden of such a development
- If one unit not suitable, how is 48 suitable?
- Huge development but limited information and council cannot make a reasoned decision
- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden
- No consent to change field to private garden – presumably use of this land is without planning consent
- Building on land would be harmful to Green Belt and therefore a breach in planning policy
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to under estimate impact from vehicles
- Reference to 89/06112 which has conditions imposed relating to highway safety
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed
- Lose joy of looking onto open green space/ increased shading
- Geology of Northorpe – underlying strata not very permeable
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved
- Impact on human rights
- 2016 similar application was submitted with fewer houses proposed
- Cllr McBride values consultation with local residents. This should be the case in this area.
- No way to widen Northorpe Lane so natural conclusion is to reject the application
- Access to the site is dangerous
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded
- When did fish farm use cease and domestic curtilage use begin?
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates
- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live

- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed
- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28
- Site allocation states that the planning application should be accompanied by several reports – these have not been submitted
- Love to see more horses and sheep grazing on the land
- Smell from the development being constructed
- Protests will be organised and prolonged should plans be allowed be implemented
- Density of building not in keeping with the semi-rural character of Northorpe
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site
- Trees afford privacy and absorb water
- Loss of open space
- Proposed entrance to the site is where the roads narrow considerably
- Noise and disturbance from all the additional properties is a source of concern
- Hard to imagine any employment opportunities arising from the proposals
- Poor design in terms of health and wellbeing – plots crammed to capacity
- Majority of front elevations are hard standing
- POS areas feature on indicative site layout
- Poor condition of the road

7.4 The following concerns have been raised by Cllr Bolt:

- Highways concerns
- Education contributions – where will they go?
- Greenway provision
- Loss of trees
- Concerns relating to discrepancies with the application form

7.5 The following concerns have been made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)
- Application form states no trees or hedgerows on the land
- Lies and misleading comments on the application
- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)
- Highway network not suitable for the capacity of traffic
- Proof of mitigation water run-off tested and proven prior to approval

- Impact on local schools, nature conservation and effect on nearby listed building
- School pedestrian access and lack of footpath along majority of route is health and safety issue.

7.6 Officer comments will be made in Section 10.0 of this report in response to the concerns set out.

7.7 The publicity period is currently underway in order to allow for the re-advertising of the application in relation to the setting of the Grade II listed Northorpe Hall and Public Right of Way MIR/12/60. It is recommended that the application is delegated back to officers to await the expiration of the publicity period.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

- *K.C Highways Development Management* – no objection subject to a Grampian-style condition to secure the provision of a layby on Council Highway land and financial contribution for metro cards and travel plan monitoring.
- *Lead Local Flood Authority* – no objection following submission of Flood Risk Assessment and imposition of relevant conditions.
- *West Yorkshire Archaeology Service* – no objection subject to condition.
- *The Coal Authority* – no objection subject to imposition of conditions.

8.2 Non-statutory:

- *K.C Ecology* – no objection subject to conditions.
- *K.C Trees* – no objection. Trees within the site removed. Woodland to the rear of the site not within the red line boundary.
- *K.C Environmental Health* – no objection subject to conditions.
- *K.C Landscape* – contributions required (to be conditioned).
- *K.C Education* – contributions required (to be conditioned).
- *K.C Housing* – contributions required (to be conditioned).
- *K.C Public Heath* – required Health Impact Assessment.
- *K.C Public Right of Way* – awaiting comments which shall be reported in the update.

- *K.C Conservation and Design* – Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby.

9.0 MAIN ISSUES

- Principle of development, land use and sustainability
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development, land use and sustainability

- 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 National Planning Policy Framework 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 was previously Green Belt land but is allocated for housing in the Local Plan (site reference HS69) which relates to the entire site subject of this planning application. Full weight can be given to this site allocation document which identifies the following constraints that are relevant to the site:
- Third party land required to achieve sufficient visibility splays
 - Part/all of the site is within a high risk coal referral area
- 10.4 An indicative capacity of 48 dwellings is noted in the supporting text of the site allocation.
- 10.5 Subject to highways, design, residential amenity and other matters being appropriately addressed, it is considered that residential development on this site is acceptable in principle, and would make a contribution towards meeting housing need in Kirklees.
- 10.6 Furthermore, and subject to further details that would be submitted at Reserved Matters stage, should outline permission be granted, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an accessible, already-developed area, its proximity to public transport and other facilities, and the measures related to transport that can be put in place by developers.

- 10.7 The Design and Access Statement submitted with the application states that the site is located just over one mile from the centre of Mirfield and just under one mile from the centre of Ravensthorpe, both of which provide a good range of shops and services. There are several schools within the vicinity and the site is easily accessible by public transport, with good bus routes within 200m walking distance of the site. Buses run along Shillbank Lane to the south of the site which provide access to both Dewsbury and Leeds. Considering the above, it is considered that this site is within a sustainable location and would comply with Paragraph 108 of the NPPF which states that *“appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location”*.
- 10.8 Officers’ recommendation is to accept the principle of residential development at this Greenfield site. If this site is to be released for development, the development’s impacts would need to be mitigated, and a high quality development would be expected. These matters are addressed later in this report, and would require further consideration at reserved matters stage.
- 10.9 It is worth noting that an application, referenced 2008/93748, was refused and dismissed at appeal for the erection of a detached dwelling to the rear of the existing dwelling at the site. The reasons for refusal related to the principle of development in the Green Belt, residential amenity and a shared access for two dwellings resulting in highway safety matters. However, given the differences in scale, location and access, it is not considered that a direct comparison between the two applications is considered relevant. The recommendation for approval is not considered to contradict this previously refused application.

Urban Design

- 10.10 This outline planning permission seeks approval of access details rather than ‘layout’ and therefore the site layout plan referenced 2600-010 must be regarded as indicative and has not been assessed in detail at this stage. However, as this and other drawings are currently before the council, it is appropriate to comment on them, to inform future design work.
- 10.11 Relevant design policies include those set out in Chapter 12 of the NPPF and Policies LP2 and LP24 of the Kirklees Local Plan.
- 10.12 Chapter 12 of the NPPF states that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” Policy LP24 of the Kirklees Local Plan reiterates this and aspires for all developments to be of good quality.
- 10.13 The applicant’s indicative layout illustrates an estate road, winding downhill towards the former railway line. Around the estate road, the applicant proposes 48 dwellings provided in a mix of short terraces, detached and semi-detached dwellings. Four private drives are proposed off the estate road.
- 10.14 The applicant has not provided a justification for the proposed layout. Many planning matters should inform layout including topography, local character highways considerations, flood routing and residential amenity.

- 10.15 Officers consider that there is a mix of dwellings in the immediate surrounding area and therefore, in principle, the applicant's proposed mix of housing typologies could be accepted on this site. Notwithstanding this, there are concerns with the proposed site layout. The site layout is dominated by the internal estate road and parking to the front of the majority of the dwellings. This is considered to be poor design and a layout that would not be supported at reserved matters stage. Officers are of the opinion that more can be done to minimise the visual impact of the development's parking spaces.
- 10.16 The proposed layout would necessitate reversing of refuse vehicles, and may also be of concern in relation to dementia friendly design.
- 10.17 Details of elevations, house types (including associated amenity spaces), 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.
- 10.18 As well as the above, K.C Police Architectural Liaison Officer states that the site would have open access to wooded areas and fields and the disused railway line to the North East could provide pedestrian access to offenders. The proposed development should include substantial boundary treatment to these sides in particular. This can be addressed at reserved matters, through a condition which seeks to minimise the risk of crime.
- 10.19 The site will require an affordable housing provision at 20% of the total number of dwellings. Consideration should be given to mixing such housing within the development to avoid a concentration of affordable housing in one location on the site.
- 10.20 On a site of approx 1.35 hectares, 45.5 dwellings would be required to achieve the required density of 35 dwellings per hectare. In this case, the proposed layout indicates 48 dwellings and therefore the indicative site plan is of a satisfactory density to comply with Policy LP11 and Chapter 11 of the National Planning Policy Framework being taken into account. This policy states that planning decisions should promote an effective use of land. Paragraph 123c of Chapter 11 of the National Planning Policy Framework also states that Local Planning Authorities should refuse applications which they consider to fail to make efficient use of land. This matter will be considered in greater detail at reserved matters stage when numbers are finalised.
- 10.21 Although the number of units, their sizes and tenures would not be fixed upon approval of outline planning permission, the applicant has nonetheless submitted relevant information, upon which it is appropriate to comment.
- 10.22 The application form states that all dwellings will be for market sale.
- 10.23 Kirklees Local Plan Policy LP11 states that all proposals for housing will be of a high quality design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. The housing mix should reflect the proportions of householders that require housing, achieving a mix of house size and tenure.

- 10.24 K.C Strategic Housing has been consulted on the planning application and has stated that there is a significant need for affordable 1, 2 and 3 bed properties in the Dewsbury and Mirfield SHMA sub area. 10 affordable dwellings are sought from this proposed development. In this case, K.C Strategic Housing are satisfied that the affordable housing contribution can satisfactorily comprise 3 and 4 bedroom homes, as per the existing proposals.
- 10.25 At Reserved Matters stage, more detail of the proposed affordable housing provision would be required, in particular in relation to tenure and the location of the dwellings. A 55% social or affordable rent / 45% intermediate tenure split would be required, 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 (as discussed in the visual amenity section). In this case, 6 social/affordable rented dwellings and 4 intermediate dwellings would be recommended for this development and can be secured via condition at this stage (and subsequent S106 Agreement).

Summary

- 10.26 The principle of development the site on this housing allocation is considered acceptable from a visual amenity perspective, in accordance with Policies LP11 and LP24 of the Kirklees Local Plan and Chapters 5 and 12 of the National Planning Policy Framework. However, as set out above, the layout proposed is not under consideration at this stage and nor have any details been submitted for consideration regarding the scale or appearance of the proposed dwellings. Such matters would be considered as the subsequent reserved matters stage should outline planning permission be granted.

Residential Amenity:

- 10.27 The principle of residential development at this site is considered acceptable in relation to the impact on the amenity of occupants of neighbouring residential properties. Chapter 12 of the National Planning Policy Framework states that planning decisions create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.28 As noted above, the submitted block plan has been submitted for indicative purposes only, however it is nonetheless appropriate to comment on it in relation to the amenity of existing neighbouring residents, to inform future design work.
- 10.29 Adequate distances could be achieved between the proposed dwellings and the existing dwellings on Northorpe Lane and Northorpe Court. Other residential properties are located a sufficient distance away from the application site so as not to be adversely be affected by the proposed development in terms of natural light, privacy and outlook.

- 10.30 The quality and amenity of the future occupiers of the proposed residential accommodation is also a material planning consideration, although it is again noted that details of the proposed development's appearance, landscaping, layout and scale are reserved at this stage.
- 10.31 Officers consider that all houses shown on the applicant's indicative layout would benefit from dual aspect, and are capable of being provided with adequate outlook, privacy and natural light. The proposed houses could also be provided with adequate outdoor private amenity space.
- 10.32 K.C Environmental Health have identified a nearby noise generating source at Humac Associates Supplies at Stoney Lane and Northorpe Working Men's Club. A condition has been recommended to ensure that a noise report is submitted to protect the impact on future occupiers of the dwellings from these nearby noise generators, as well as to ensure that no undue pressure is put on these existing land uses should planning permission be granted by introducing residential development in close proximity. This is to ensure compliance with policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.33 Finally, a condition requiring the submission and approval of a Construction Management Plan is recommended. Should planning permission be granted, the necessary discharge of condition submission would need to sufficiently address the potential amenity impacts of construction work at this site including dust management.

Summary:

- 10.34 To conclude, the impact on the residential amenity of surrounding occupiers can be sufficiently minimised via suggested conditions and as part of any subsequent reserved matters submission (should planning permission be granted), thus complying with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues:

- 10.35 The main issue for consideration as part of this outline planning application is 'access' and therefore significant consideration has been given to the impact of the proposed access point at the site. The internal road layout and parking arrangements have not been commented on. Therefore, the assessment of the point of access is based on the following information that has been submitted:
- Road Safety Audit Stage 1
 - Designer's response to Stage I Road Safety Audit
 - Technical Note
 - Transport statement
 - Site plan showing access to the site
- 10.36 Chapter 9 of the National Planning Policy Framework state that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree. Policy LP21 of the Kirklees Local Plan reiterates this.

- 10.37 As part of the assessment in relation to highway safety and efficiency, K.C Highways Development Management has been consulted on the planning application. Initially, a concern was raised in terms of a lack of information to assess the proposed development. Subsequently, further information (as detailed above) was provided, and this will form the basis of the assessment on highway grounds, discussed below.
- 10.38 The proposed site layout plan shows access to the land at the rear of no. 28 Northorpe Lane by demolishing the existing bungalow. The speed surveys identify the location of the counts that have been carried out and show that the proposed access and sightlines can be achieved at the site but a concern has been raised in terms of the submitted swept path analysis for an 11.85m refuse collection vehicle at the site access, with accessibility to the application site being limited for refuse collection purposes. Consideration was given to achieving an acceptable width for this vehicle to pass.
- 10.39 The Highway Safety team has been consulted and raised a concern in terms of a financial contribution for a traffic regulation order which involves a single yellow line. This legal order has the potential to be refused. As well as this, the extent of single yellow line would not be adequate to accommodate all of the vehicles that currently park on Northorpe Lane. For these reasons, K.C Highway Safety objected to the original recommendation for a Traffic Regulation Order.
- 10.40 Instead, a Grampian condition has been recommended to ensure that a layby adjacent to Northorpe Hall is provided prior to the construction work associated with the development commencing. The grass verge that would be partly used to form the layby is Council owned Highway land therefore it is considered that there is a prospect that the action in question can be performed within the time limit imposed by the permission, in line with National Planning Policy Guidance on Grampian conditions.
- 10.41 The provision of a layby would provide certainty of parking for around twelve vehicles, meaning that the vehicles that currently park on Northorpe Lane would continue to have an area to park, and a refuse collection vehicle would have adequate space to manoeuvre into and out of the site. Highway Safety concur with the revised recommendation of the Highways Development Management team and request that further information is provided on the achievability of this given the slope of the grass verge.
- 10.42 In the submitted Technical Note dated Dec 2019, information on the proposed gradients at the access was provided and is in line with the Council's supplementary planning document 'Highway Design Guide' and considered acceptable for adoption purposes. As well as this, the technical note also provides evidence that the committed developments for the allocated site HS70 have been taken into account and confirms that the anticipated operation of the junction is within capacity and therefore is considered to be acceptable.

- 10.43 For any subsequent reserved matters application, consideration needs to be given to Policy LP22 of the Kirklees Local Plan. A parking schedule and provision for the storage and collection of waste should also be addressed. Reference should be made to the Supplementary Planning Document 'Highway Design Guide'. Again, as stated above, the layout of the proposed development is not being considered and therefore these issues are not relevant to this current outline planning application. However, it is considered that the required parking provision is acceptable.
- 10.44 Given the scale of nature of the development and its location, The West Yorkshire Combined Authority have requested that the developer provides a financial contribution to ensure that residential metro cards for the development are provided, as well as contributions to facilitate the provision of a bus shelter and a Real Time Information display at an existing bus stop.
- 10.45 As well as the above financial contributions, Kirklees Council also requires developers to contribute to the cost of monitoring travel plan progress. This fee will cover assistance with the development of the Framework Travel Plan. All of the financial contributions, as well as the provision of a layby as discussed above, is required to make the scheme acceptable in highway safety terms and, as this stage, can be secured via condition and subsequent S106 Agreement.
- 10.46 The proposal is acceptable in principle subject to conditions. The proposed development and the proposed access to the site is satisfactory to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Public and Environmental Health

- 10.47 The Council's Public Health team have commented on a Health Impact Assessment that has been submitted by the applicant. The applicant's information has been assessed in relation to Policy LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework. Subject to the comments of the Public Health team being considered, the proposed development is acceptable and will be considered further at reserved matters stage in relation to air quality, on-site and local outdoor activity, inclusive design, connections to the area's Public Rights of Way network, the shared cycleway/footway required outside the application site, and other matters relevant to planning and health, it is considered that the proposed development could assist in promoting healthy, active and safer lifestyles in accordance with relevant planning policies. This could be resolved at reserved matters stage.

Charging points

- 10.48 For air quality reasons and 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 LP21, LP24 and LP51, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. Charging points for every dwelling, and one for every 10 visitor parking spaces, would be required, and an appropriate condition is recommended.

Climate Change

10.49 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

Coal Mining

10.50 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. The applicant has submitted a Coal Mining Risk Assessment which notes the coal mining legacy of the site and the surrounding area, and recommends site investigation to determine ground conditions and any risk posed to the proposed development. A relevant pre-commencement condition is recommended in accordance with the advice of the Coal Authority to ensure that the proposed development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Contaminated Land

10.51 The site is located in an area which has been identified as being contaminated. K.C Environmental Health have commented on the planning application and confirmed that a Phase I Preliminary Risk Assessment is required prior to the commencement of any ground works at the site. Subsequent reports may be required if contamination is found following the investigation of the groundworks as per the above report. A condition has been recommended to ensure that these reports are secured at outline planning application stage.

10.52 The proposal therefore complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Ecological implications

10.53 K.C Ecology has been consulted on the application and the applicant has submitted a Preliminary Ecological Appraisal (PEA). This document indicates that the habitats present are generally of lower botanical value, but identifies the need for additional surveys to advise on the importance of the site for roosting bats, foraging bats and reptiles.

10.54 As this planning permission is purely assessing the principle of development and is not establishing housing numbers and housing types, the K.C Ecology Officer is satisfied that the additional survey needed to design a scheme that complies with relevant ecology policies can be undertaken in a reserved matters application stage. There is no objection in principle to the housing allocation on ecological grounds and 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 LP30 and Chapter 15 of the NPPF. This is likely to require alterations to the site layout at reserved matters stage.

Trees

10.55 There is a woodland to the rear of the site which is outside of the application site's red line boundary. Nonetheless, consideration has been given to the impact on this woodland area as a result of the proposed development. As well as this, it is noted that mature trees within the site have been felled. This issue caused concern for members of the public. K.C Trees have commented on this and advised that there is no cause for concern in this regard. The trees are not protected by tree preservation order or by their status within the conservation area.

10.56 The Council's Tree officer has confirmed that the remaining trees are not worthy of protection and any future felling of these trees will not result in a harmful impact on visual amenity or the character of the area. The Council's Tree Officer has not objected to the development in principle to residential development at the site.

10.57 The proposed development complies with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Planning obligations and financial viability

10.58 The size of the site indicatively proposes 48 dwellings and would therefore trigger contributions relating to education, public open space and affordable housing, each of which would require a financial contribution.

10.59 To accord with Local Plan policy LP11, 20% of the proposed development's residential units would need to be secured as affordable housing.

10.60 The Council's Education department were consulted and commented that a contribution of £103,756 would be required. This is based on the applicant's current indicative proposed layout. Following further design work, however, the number of units proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.

10.61 Some Public Open Space (POS) has been shown on the applicant's indicative layout plan. As noted above, amendments to the proposed site layout would be necessary at the Reserved Matters stage, and this may affect the on-site provision of public open space and the need for contributions towards off-site provision to make up any shortfall. The K.C Landscape team have commented on the application and stated that the development triggers open space requirements and a requirement for children and young people's provision as per the Fields in Trust requirements in the form of a Local Area of Play.

- 10.62 No details have been provided in regards to the open space that is indicated on the site layout in terms of its measurements and the typology of the areas. It is noted that the Mirfield ward has quantity deficiencies in open space typologies for Parks and Recs and semi natural and natural spaces. This would be secured via condition and subsequent S106 Agreement once details have been agreed at the Reserved Matters Stage (subject to permission being granted).
- 10.63 Contributions intended to mitigate the highway impacts of the proposed development will also need to be secured at Reserved Matters stage, especially in relation to the contribution to fund a layby which is required to ensure that a refuse vehicle can access the site safely and the financial contributions requiring due to the nature and scale of the proposed development (see highway safety section above). This is expanded on in the highway safety section of this report.
- 10.64 The need for final contributions would be assessed once the proposed number of residential units has been confirmed as part of any subsequent reserved matters application (subject to outline permission being granted) however, they can be secured via suggested condition at this stage.
- 10.65 Conditions imposed on grants of planning permission have to satisfy the 6 tests for a condition (necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects).
- 10.66 Conditions relating to contributions, in this instance, all meet the 6 tests set out in Paragraph 55 of the National Planning Policy Framework. The contributions are required to make the development acceptable and to mitigate the impact caused by it.

Historic Environment

- 10.67 To the west of the site is Northorpe Hall Trust which is a Grade II listed building. Whilst this is on the opposite side of the highway, consideration has been given to its setting, the application has been re-advertised as such. This housing development is a reasonable distance from the site and would not affect the principle of development for residential at the site. The listed buildings at Northorpe Hall was not raised in the list of constraints for the site allocation.
- 10.68 The proposed layby adjacent to Northorpe Hall has the potential to obscure the view of the stone boundary wall which borders the listed building, as well as changing the character of this part of Northorpe Lane. The K.C Conservation Officer has been consulted on the impact on the setting of this listed building. Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby. A condition requiring this information will be recommended.
- 10.69 The National Planning Policy Framework states that where a development has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment.

- 10.70 The application site is in an area of known archaeological potential and therefore West Yorkshire Archaeology Advisory Service has been consulted on the application and stated that there is currently an unknown potential for archaeological remains to be present within the proposed development site.
- 10.71 The West Yorkshire Archaeology Advisory Service has recommended that the development should provide the Local Planning Authority with an archaeological evaluation, based on appropriate analytical methods. Instead of requesting an archaeological survey prior to the determination of this planning application, a condition will be imposed stating that no development shall commence until a written scheme of archaeological investigation has been submitted and approved in writing.
- 10.72 In all, with the inclusion of the suggested conditions, the proposed development is considered acceptable from a heritage perspective and complies with policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Flood Risk (site within Flood Zone 1)

- 10.73 The site is in Flood Zone 1 and therefore the applicant submitted a site specific Flood Risk Assessment which was subsequently reviewed by the Local Lead Flood Authority. The site is in the lowest area at risk of flooding.
- 10.74 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.75 This is reiterated in the Kirklees Local Plan Policy LP27 'Flood Risk'.
- 10.76 Following the submission of the Flood Risk Assessment and re-consultation with the Lead Local Flood Authority after receiving this information, there is no objection to the proposed development subject to consideration of the measures discussed within the Flood Risk Assessment (17632-D-FRA-001-R1).
- 10.77 When 'layout' is assessed, these considerations need to be taken into account, including a more suitable design to ensure that new properties are not at risk of flooding or displace flooding elsewhere that may impact third parties.

10.78 In conclusion, considering the above information and relevant conditions, and especially consideration of the proposed layout at reserved matters stage, the proposed development complies with policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Pre-commencement conditions

10.79 The developer's agreement to the pre commencement condition has been agreed in writing to comply with the Town and Country Planning (Pre Commencement Conditions) Regulations 2018.

Public Right of Way (MIR/12/60)

10.80 Chapter 8 of the National Planning Policy Framework states that planning decisions should protect and enhance public rights of way and access. Policy LP23 of the Kirklees Local Plan states that existing public rights of way should be protected and enhanced.

10.81 Public Right of Way Mir/12/60 runs to the West of the site past Northorpe Hall. This is on the opposite side of the highway to no. 28 Northorpe Lane, but is in close proximity to the proposed layby position. Whilst it is acknowledged that the proposed layby will be located close to this footpath, the proposed development, subject to an appropriate scheme being submitted at discharge of condition stage, will ensure that the existing public right of way will be protected. This means that the proposed development also complies with LP23 of the Kirklees Local Plan which reiterates the aim of Chapter 8 of the National Planning Policy Framework.

Minerals safeguarding

10.82 The site is over 1000sq m and is within a wider mineral safeguarding area and therefore Local Plan Policy LP38 applies. This policy is important to ensure that known mineral reserves are protected from permanent development which may sterilise such resources through encouraging the extraction of mineral, if feasible, prior to non-mineral extraction taking place.

10.83 This policy states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of Policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Representations:

10.84 80 letters of objection (including 815 signatures from 'Save Mirfield') have been received raising the following concerns which are addressed by officers as follows:

- Principle of development
Officer comment: the site is allocated for housing in the Kirklees Local Plan. See principle of development section of this report.

- Traffic pollution / highway safety / congestion (photographs and dates attached to representations). Inaccuracies within highway report.
Officer comment: Highways DM have reviewed the objections to the application and consider that the provision of a layby is suitable to overcome concerns – see above highway safety section of the report.
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?
Officer comment: K.C Ecology have reviewed the information and site context and stated that the principle of development is not a cause for concern on ecological grounds.
- Lots of protected species on the site – woodpeckers, cuckoos, owls, hares, rabbits and rodents
Officer comment: the K.C Ecology Officer has commented on the planning application with regards to protected species. See the other matters section of this report.
- Inadequate road infrastructure
Officer comment: see highway safety section of this report. It is the point of access that is being applied for as part of this planning application.
- Green space being lost
Officer comment: As mentioned above, the site is allocated for housing on the Kirklees Local Plan.
- Disruption during construction phase
Officer comment: K.C Environmental Health have requested a condition for a construction management plan to ensure that there is no harmful disturbance and noise to nearby residents during the construction phase.
- Loss of trees
Officer comment: K.C Trees have commented on the planning application and there is no objection to the proposed development. See other matters section of this report.
- Drainage
Officer comment: There is no objection from the Local Lead Flood Authority. See other matters section of this report.
- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents
Officer comment: Highways DM and Highways Safety have reviewed the application and there is no objection to the point of access that is being proposed.
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity
Officer comment: See consultation response from Local Lead Flooding team and the other matters section of this report.
- It is safe to drive through flooding? Risk of vehicle damage, for example.
Officer comment: this is a private matter.

- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns re traffic flow, safety and the road infrastructure
Officer comment: see highway safety section of this report.
- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own
Officer comment: concern was initially raised by Highways DM in this regard. A Grampian condition has been recommended to ensure that a layby is provided prior to the development being brought into use, this will allow a refuse vehicle to access the site.
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access at Northorpe Hall.
Officer comment: this is noted. Highways Development Management have assessed the site context – see highway safety section.
- Lane not changed at all since days prior to motor vehicles/ been told lane does not need resurfacing
Officer comment: this is not a material planning consideration.
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients at Northorpe Hall
Officer comment: see highway safety section of this report.
- Development of this scale would have a serious impact on local residents
Officer comment: see principle of development section of this report. The density of the proposed development is acceptable in accordance with local plan Policy LP11 and Chapter 11 of the NPPF.
- Application in 2008 was refused to build another single property and the reasons for refusal should be noted.
Officer comment: see principle of development section of this report which refers to the 2008 application at the site.

Number of other refusals on Northorpe Lane due to concerns about traffic National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.

Officer comment: Highway Safety is a material planning consideration that is given significant weight in this application. National and local planning policies aim to ensure a satisfactory impact on highway safety.

- Think a message needs to be sent that this is not an acceptable plan in its current form.
Officer comment: As part of this application, it is the principle of development and the access to the site that is being assessed. The layout, scale, appearance and landscaping of the site is not being applied for.
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed. Breach in planning policy
Officer comment: the site is allocated for housing and is not within the Green Belt.

- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road and neighbouring properties. Hardstanding would make this worse – sewage system barely copes at present. Surface water problems. No information provided.
Officer comment: see other matters section of the report. The Local Lead Flood Authority have commented on the application and no objection is raised.
- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are under estimated.
Officer comment: Highways DM have reviewed the submitted information and it is considered that the site is in a sustainable location.
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.
Officer comment: it is noted that the development site is to the east of the application site. Layout and scale of the proposed development is not being considered in this application.
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area
Officer comment: Layout and scale of the proposed development is not being considered in this application. The application site is allocated for housing on the Kirklees Local Plan.
- Pressure on medical services and unclear how further demand will be met
Officer comment: Given the scale of the development, this is not a concern.
- Mirfield schools already oversubscribed – where will the children be educated?
Officer comment: As stated within the report, the scale of the development will trigger a contribution to education within the area.
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change
Officer comment: this is noted. Consultation responses from K.C Ecology and K.C Trees has been received and no concern is raised in this regard. see other matters section of this report.
- Density and type of housing does not match the surrounding housing
Officer comment: The type of housing is not being applied for as part of this planning permission. The density of the housing is acceptable as stated above.
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams
Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre commencement condition requiring intrusive site investigation.

- Poor air quality
Officer comment: the proposed development has been assessed against Local Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, and K.C Environmental Health have commented on the application. A condition has been recommended to ensure that electric charging points are provided at any subsequent reserved matters stage.
- Lower corner of field affected by flooding.
Officer comment: this is noted. See consultation response from Local Lead Flooding team.
- Currently no housing estates in the area. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall
Officer comment: the layout of the proposed development
- Danger to pedestrians and horse riders coming and going to livery yards
Officer comment: see highway safety section of this report.
- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site
Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.
- Overbearing / overshadowing / loss of light
Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring
Officer comment: the documents mentioned within the site allocation designation are noted. The required documents have been submitted and assessed by relevant consultees.
- Not clear how many houses being applied for – site plan indicates 48, form says 44.
Officer comment: it is noted that this is the case. The layout and number of dwellings are not being applied for as part of this outline application.
- New houses required but Northorpe Lane totally unsuitable location
Officer comment: this is noted. The site is allocated for housing development.
- Junctions unsuitable and unable to handle additional burden of such a development
Officer comment: see highway safety section of this report.

- If one unit not suitable, how is 48 suitable?
Officer comment: the previous application was on land allocated as green belt on the Kirklees Unitary Development Plan. The current planning application for residential development is proposed on land allocated for housing on the Kirklees Local Plan.
- Huge development but limited information and council cannot make a reasoned decision
Officer comment: the application is for outline permission with details relating to access only. Other matters are reserved for a future reserved matters application and therefore full details are not required at this stage.
- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden
Officer comment: following a site visit, it is noted that the land is manicured as a domestic garden and is used as such. The land is also allocated for housing.
- No consent to change field to private garden – presumably use of this land is without planning consent
Officer comment:
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to under estimate impact from vehicles
Officer comment: the layout plan and numbers of parking spaces is indicative and therefore is not being considered as part of this outline planning permission which is solely assessing the point of access at the site.
- Reference to 89/06112 which has conditions imposed relating to highway safety
Officer comment: this has been reviewed and noted. Each application is based on its own merits.
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened
Officer comment: it is noted that the site is a green field and that housing will erode this openness. However, this site is allocated for housing in the Kirklees Local Plan.
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed
Officer comment: The Kirklees Local Plan process involved robust testing from the Planning Inspectorate. This is not a material planning consideration for this application.
- Loose joy of looking onto open green space / increased shading
Officer comment: this is noted. A loss of a view is not a material planning consideration.

- Geology of Northorpe – underlying strata not very permeable
Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre commencement condition requiring intrusive site investigation.
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved
Officer comment: the application site is allocated for housing and the proposed development is assessed in the context of the proposed application site.
- Impact on human rights
Officer comment: this is noted. Residential amenity has been covered in the officer report
- 2016 similar application was submitted with fewer houses proposed
Officer comment: this does not relate to the application site.
- Cllr McBride values consultation with local residents. This should be the case in this area.
Officer comment: this is noted
- No way to widen Northorpe Lane so natural conclusion is to reject the application
Officer comment: see highway safety of this report. A parking layout at the site is considered to be satisfactory to allow a refuse vehicle to access the site safely.
- Access to the site is dangerous
Officer comment: see highway safety section of this report.
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded
Officer comment: Highways Development Management have been consulted on the application and reviewed the information submitted. There is no objection to the methods of carrying out the traffic survey.
- When did fish farm use cease and domestic curtilage use begin?
Officer comment: this information is not known. However, the site is allocated for housing and therefore the principle of development is acceptable.
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving
Officer comment: the scheme for residential development requires parking provision at the site. The site is also within a sustainable location close to public transport links.
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates
Officer comment: this comment is noted. As stated above, the Local Plan has been through robust testing and housing need/demand has been evidenced.

- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services
Officer comment: this is noted.
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live
Officer comment: the application proposal achieves the required density at the site. Contributions to affordable housing, public open space and education has been conditioned to mitigate the impacts of this development.
- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?
Officer comment: see other matters section of this report.
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed
Officer comment: the site is allocated for housing, with an indicative capacity of 48 dwellings. Highways Development Management have carried out their survey on this basis.
- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28
Officer comment: drainage details will be required by condition.
- Site allocation within the Kirklees Local Plan document states that the planning application should be accompanied by several reports – these have not been submitted
Officer comment: the necessary reports have been submitted.
- Love to see more horses and sheep grazing on the land
Officer comment: this is noted.
- Smell from the development being constructed
Officer comment: a construction management plan has been recommended as a condition to ensure that the impact on residential amenity is acceptable.
- Protests will be organised and prolonged should plans be allowed be implemented
Officer comment: this is noted and is not a material planning consideration.
- Density of building not in keeping with the semi-rural character of Northorpe
Officer comment: see the principle of development section of this report. Chapter 11 of the National Planning Policy Framework requires that developments ensure an efficient use of land. The proposed indicative layout meet Kirklees Local Plan density requirements.
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site
Officer comment: this is a matter to be considered at any subsequent reserved matters stage.

- Trees afford privacy and absorb water
Officer comment: this is a matter to be considered at any subsequent reserved matters stage.
- Proposed entrance to the site is where the roads narrow considerably
Officer comment: see highway safety section of this report.
- Noise and disturbance from all the additional properties is a source of concern
Officer comment: see residential amenity section of this report.
- Hard to imagine any employment opportunities arising from the proposals
Officer comment: this is noted.
- Poor design in terms of health and wellbeing – plots crammed to capacity
Officer comment: the layout of the site is not being considered as part of this outline planning application. This will be dealt with at any subsequent reserved matters stage.
- Majority of front elevations are hard standing
Officer comment: the site layout is not being assessed at this stage. See visual amenity section of this report.
- POS areas feature on indicative site layout but these may be used for infrastructure for drainage instead
Officer comment: this is noted.

10.85 Comments from Councillor Martyn Bolt:

- Highways concerns
Officer comment: see highway safety section of this report.
- Education contributions – where will they go?
Officer comment: contributions will be finalised at any subsequent reserved matters stage. The contributions would go to Crossley Fields School and the Mirfield Free Grammar School.
- Greenway provision
Officer comment: this has not been requested by Highways Development Management
- Loss of trees
Officer comment: see other matters section of this report.
- Concerns relating to discrepancies with the application form
Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.

10.86 Concerns made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)
Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.
- Application form states no trees or hedgerows on the land
Officer comment: this is noted. The K.C Tree Officer has commented on the planning application and confirmed that there is no concern about the removal of trees. The case officer and consultees are fully aware of the site context.
- Lies and misleading comments on the application
Officer comment: this is noted.
- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)
Officer comment: this comment is noted. Highways DM are satisfied with the transport statement and other reports submitted with the application.
- Highway network not suitable for the capacity of traffic
Officer comment: see highway safety section of this report.
- Proof of mitigation water runoff tested and proven prior to approval
Officer comment: the principle of development has been assessed by the Local Lead Flood Authority who have confirmed that there is no objection to the proposed development. A condition has been recommended for a drainage scheme to be submitted. At this stage, layout is not being considered.

11.0 CONCLUSION

- 11.1 To conclude, the concerns summarised above have been carefully considered however, when assessing this planning application in relation to national and local planning policy, along with all other material planning considerations, officers are of the opinion that the principle of residential development on this site which is allocated for housing on the adopted Kirklees Local Plan is acceptable. Furthermore, on the basis of the submitted information and subject to appropriate conditions, the point of access is also considered appropriate from a highway safety perspective.
- 11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

Suggested Conditions:

1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within 3 years.
4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Affordable housing contribution.
7. Education contribution.
8. Open space contribution.
9. Submission of a Travel Plan, to include metro card provision, provision of bus shelter and monitoring of Travel Plan.
10. Submission of a Drainage Maintenance and Management Scheme.
11. Submission of a Flood Risk and Drainage Strategy.
12. Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation.
13. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
14. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.
15. Provision of Electric Vehicle Charging Points.
16. Submission of a Phase 1 Preliminary Risk Assessment Report
17. Submission of a Phase 2 Intrusive Site Investigation Report.
18. Submission of a Remediation Strategy.
19. Implementation of a Remediation Strategy.
20. Submission of a Validation Report.
21. Submission of a Noise report specifying measures to be taken to protect the future occupants of the development from noise from Humac Associates Supplies Ltd, Stoney Lane and Northorpe Working Mens Club, Eastfield Road.
22. Submission of an Ecological Impact Assessment.
23. Development to incorporate measures to minimise the risk of crime and meet the specific needs of the site and development.
24. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
25. The proposed development will not commence until the layby which is adjacent to Northorpe Hall is completed.
26. Details of junction new estate road to be approved in writing and development shall not be occupied until these works complete
27. Within first 3 months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.

NOTE: This approval does not relate to the layout of the proposed development. Concerns have been raised in relation to this – see visual amenity section of this report.

NOTE: Guidance on crime prevention measures – boundary treatments and front boundaries of dwellings, rear gardens and access footpaths.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Guidance relating to the details to be included as part of the Construction Environmental Management Plan.

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92378>

Certificate of Ownership – Certificate A signed and dated 04/07/2019.