
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 30-Jan-2020****Subject: Planning Application 2019/92164 Erection of 17 dwellings Land off Parkwood Road, Golcar, Huddersfield, HD3 4TT****APPLICANT**Parkwood Ventures LLP
and Sir Robert Ogden
Estates Ltd**DATE VALID**

15-Jul-2019

TARGET DATE

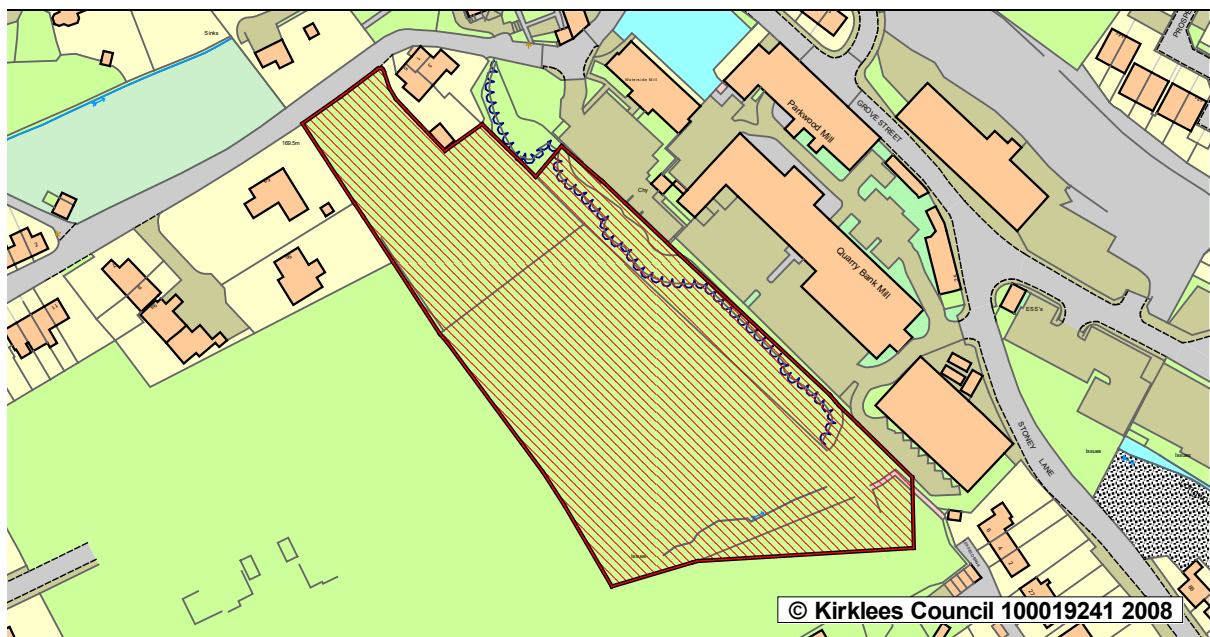
14-Oct-2019

EXTENSION EXPIRY DATE

15-Nov-2019

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 Ward Affected: **Golcar**

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – Three affordable housing units (social or affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £7,727 to address shortfalls in specific open space typologies.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
- 4) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 17 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.
- 1.3 The application was previously considered by the Huddersfield Sub-Committee on 07/11/2019, when 27 dwellings were proposed. The Sub-Committee deferred determination to allow an opportunity for the applicant to consider the option of omitting from the proposed development the 10 units located at the northwestern part of the site in order to undertake a further comprehensive bat activity survey that meets national good practice guidance. The follow report is based on the amendments/information received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.16 hectares in size, has previously been in agricultural use, and is located to the southeast of Parkwood Road. To the southwest and southeast is a residential development (Weavers Chase) currently being constructed by Barratt Homes. To the northeast is the Parkwood Mills residential development (where converted former woollen mill buildings are Grade II listed) and the Longwood Edge Conservation Area. To the north and northwest, either side of the application site's short frontage to Parkwood Road, are residential properties 1, 3 and 5 Parkwood Road (which are Grade II listed and within the conservation area) and the more recent detached dwellings at 5a and 5b Parkwood Road.
- 2.2 The application site generally slopes downhill from its southwest edge (approximately 170m AOD where the new east-west estate road of the Weavers Chase development meets the site boundary) to the northeast (the site's lowest point is below 160m AOD). There is a significant drop in levels and a bare rock face of a former quarry to the rear of the Parkwood Mills site. A partly-culverted watercourse runs roughly east-west along a depression close to the south edge of the site.
- 2.3 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is grassed. Ordnance Survey maps dated 1955, 1965 and 1980 annotate a tennis court (and, in 1955, a pavilion) close to the centre of the site, however this use has ceased.
- 2.4 There are trees and shrubs along the edges of the application site. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of part of the site and land to the northeast bestows protection on trees.
- 2.5 No public rights of way cross the application site, however there is a pedestrian entrance at the north end of the site at Parkwood Road, and evidence of well-trodden pedestrian routes from this entrance and across the site towards Grange Road.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS148). A Biodiversity Opportunity Zone (Built-up Areas) and an SSSI Impact Risk Zone covers the site. The 250m buffer zones of landfill sites to the east and west cover the site.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 17 dwellings in the larger, southeastern part of the site (phase 1 area). No dwellings are proposed in the northwestern part of the site which meets Parkwood Road – this is annotated as “phase 2” on the applicant's drawings, and a separate application for this area (for 10 dwellings) is expected later this year, once adequate ecological survey work has been carried out by the applicant.

- 3.2 Dwellings would be arranged around a new estate road running approximately northwest-southeast and which would be accessed from the northernmost east-west road of the Weavers Chase development (which is itself accessed from Thorpe Green Drive). A shared drive would extend from the new estate road to serve units 11 to 13, while other units would have private drives.
- 3.3 Publicly-accessible open space is proposed above attenuation tanks at the south end of the estate road, and along the site's south and northeast boundaries where the land slopes downhill away from the proposed dwellings. A footpath is proposed around the site's developable area.
- 3.4 Of the 17 dwellings proposed, six would be semi-detached, eight would be detached, and three would form a short terrace. Three two-bedroom, 11 three-bedroom and three four-bedroom dwellings are proposed.
- 3.5 Three of the 17 residential units would be provided as affordable housing. This represents a 17.6% provision.
- 3.6 Four house types are proposed. All dwellings would be two storeys in height. Artificial stone elevations (with natural stone jambs, lintels and cills), concrete roof tiles and UPVC windows are proposed.
- 3.7 All dwellings would have off-street parking, with the larger dwellings having attached or integral garages.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The application site itself has no recent, relevant planning history.
- 4.2 Red line boundaries for some of the applications relating to the adjacent Parkwood Mills site (refs: 2003/93173, 2003/94668 and 2013/90821) overlapped with the red line boundary of the current application site.
- 4.3 The adjacent development site (Weavers Chase) to the south and southeast was the subject of several applications, including:
- 2013/91987 – Outline permission granted 19/06/2014 (subject to a Section 106 agreement) for the erection of 96 dwellings.
 - 2014/92021 – Reserved matters consent granted 13/11/2014 for the erection of 94 dwellings.
 - 2015/90470 – Modification of Section 106 obligation relating to previous application 2013/91987 approved 14/12/2015.
 - 2015/92302 – Non-material amendment to previous reserved matters consent (ref: 2014/92021) approved 27/07/2015.
 - 2015/91118, 2015/91119, 2015/92690, 2016/93928, 2017/93592 – Discharge of conditions applications pursuant to previous approvals 2013/91987 and 2014/92021.
 - 2017/92093 – Reserved matters consent granted 22/08/2017 for the erection of 96 dwellings.
- 4.4 The Weavers Chase site is currently being developed, and some dwellings are already occupied. Two vehicular access points are to be provided – Thorpe Green Drive would carry the majority of the development's traffic, and Grange Road would carry traffic from the southeast part of the site. The Barratt Homes website indicates that the 96-unit scheme is being built.

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

5.1 Written pre-application advice was provided on 21/12/2018 (ref: 2018/20346) in relation to a 27-unit residential scheme with a similar layout to that previously proposed under the current application. The main points made in that written advice were:

- The principle of housing development at this site is acceptable.
- Buffer between heritage assets and proposed development preferred. Site to southwest of listed cottages should be retained as open space. Development should be set back from listed mill. Units 5 and 6 would not be respectful to the local vernacular in terms of character and scale. Heritage statement required.
- Properties which turn their side to the estate road are of concern. Query if units 11 to 17 could face the estate road. Unit 18's gable end would abut the open space and may suffer nuisance – reorientation or buffer space recommended.
- Garages to units 9 and 15 appear too close to the estate road.
- Natural stone walling and blue slate roofing required, given adjacent conservation area.
- Boundary treatments visible from the street should be walls of sympathetic materials. Landscaping can be used to reduce the prominence of walls.
- Proposed public open space at site's southern boundary provides opportunity for improved connectivity, green and habitat links, with connection to open space on the adjacent site.
- Footpath between proposed open space and Stoney Lane and Grove Street would provide easier, more direct access to the existing Spark Street Recreation Ground.
- Relationship between trees at 5a Parkwood Road and proposed gable end needs reviewing to ensure there would be no adverse impact upon these trees.
- 73 units of the Weavers Chase development (units 1 to 71, 95 and 96) would be accessed from the western side of that development. Proposals for 27 units would result in 100 units requiring access from this western side. Transport Assessment required, including assessment of impacts on Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions.
- Site is unsuitable for soakaways, therefore potential for connection to a local watercourse should be explored. Watercourse to the south of the site has a culverted section beneath the adjacent mills that is in a poor condition, and connection to it would be objected to. A new sewer connection (that bypasses the culverted watercourse) is being provided as part of the Weavers Chase development, and connection to it should be explored. If northern part of the site cannot be so connected, connection to the Yorkshire Water sewer to the north should be explored.
- On-site open space and a Local Area of Play (LAP) required. This can be natural playable space, but an equipped playspace should be off-site as minimum stand-off distances could not be achieved on-site. Off-site contribution towards a LAP would be approximately £44,000.
- Tree planting required.

- Site's constraints include the area's general suitability for foraging and roosting bats, and the site's proximity to areas within the Kirklees Wildlife Habitat Network. Ecological appraisal required to establish baseline ecology across this site.
 - Site is potentially contaminated, and conditions relating to site contamination would be recommended.
 - Electric vehicle charging points required.
 - Section 106 obligations required in relation to affordable housing (20% provision (six units) required), open space, education (subject to officer advice), Travel Plan and Metro cards.
- 5.2 At pre-application stage former Cllr Hilary Richards expressed concern regarding additional traffic to Parkwood Road, and requested the provision of safety measures.
- 5.3 As set out in the applicant's Statement of Community Involvement, the applicant sent letters dated 23/05/2019 to the occupants of 148 surrounding properties, and to Members for Golcar ward. The letters included a proposed layout plan and asked for comments by 07/06/2019. Four responses were received.
- 5.4 During the life of the current application, the applicant submitted two amended versions of a Flood Risk Assessment and Drainage Strategy, an amended drainage layout drawing, a ground gas risk assessment, four amended versions of a site layout plan, a minor change to the site's red line boundary, information regarding the site's developable area, revised house type drawings, and information related to biodiversity and trees.
- 5.5 Following the Sub-Committee's decision of 07/11/2019 to defer determination of the application, the applicant deleted units 1 to 10 from the proposed development, and now proposes 17 units (units 11 to 27) on part of the site. Additional information relevant to biodiversity has also been submitted.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 The site forms part of site allocation HS148 (formerly H116). HS148 relates to 4.53 hectares (gross), however its net site area is identified in the site allocation as 4.48 hectares, taking into account the watercourse that runs across the site. The site allocation sets out an indicative housing capacity of 125 dwellings, and identifies the following constraints:
- Third party land may be required to access part of site
 - Improvements to local highway links may be required
 - Additional mitigation on the wider highway network may be required
 - Watercourse crosses the site
 - Site close to a Conservation Area

6.3 Of note, not all of the above-listed constraints apply to the part of the allocated site to which the current planning application relates.

6.4 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
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
LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019, to be modified following Cabinet resolution of 08/10/2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

National Planning Policy and Guidance:

- 6.6 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
 - Chapter 16 – Conserving and enhancing the historic environment
 - Chapter 17 – Facilitating the sustainable use of materials.
- 6.7 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.8 Relevant national guidance and documents:
- National Design Guide (2019)
 - Technical housing standards – national described space standard (2015, updated 2016).

Climate change:

- 6.9 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development and a development that would affect the setting of a listed building and a conservation area.

- 7.2 The application has been advertised via five site notices posted on 24/07/2019, an advertisement in the local press dated 26/07/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 16/08/2019.
- 7.3 Three representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the points raised:
- Tree impacts. Proposed unit 6 would be close to adjacent trees and boundary hedge. Excavation and works may damage trees. Applicant's consultant recommended preparation of an Arboricultural Implications Assessment, however this has not been submitted. Monitoring recommendations regarding trees have been made by the applicant's consultant without reference to the tree owner. Application is incomplete. Tree matters require further investigation.
 - Adjacent former quarry face wall (to rear of Parkwood Mills) is unstable in areas, and rock from the quarry face has fallen into the car park below, causing damage to vehicles. Rock falls may have been caused by development of the Weavers Chase site, as the ground has been disturbed by the excavation of foundations and utilities. Any future building work involving ground works would further weaken the wall. Residents of Parkwood Mills would be put in danger. Proposed development should not be approved until an assessment of the former quarry face, and risk of further rock falls, is carried out. If permission is granted, developers should indemnify adjacent resident against damage, injury and cost of remediation work to former quarry face.
- 7.4 Amendments made to the proposals during the life of the current application, including the deletion of units 1 to 10, did not necessitate reconsultation.
- 7.5 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water – Condition recommended, requiring implementation in accordance with drawing 0001 (rev B). No objection to the proposed separate systems of drainage on site and off site, the proposed amount of domestic foul water to be discharged to the public foul water sewer, the proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 3.5 (three point five) litres/second), or the proposed points of discharge of foul and surface water to the respective public sewers. Advice provided regarding sewer adoption and diversion.

KC Highways – Applicant's anticipated trip generation figures are considered to be low, and 21 two-way vehicle movements would be a more robust estimate. However, given that the applicant's modelling demonstrates that the Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions would operate comfortably within capacity, it is accepted that the impact of the proposed development can be accommodated.

Regarding the proposed layout, gradients to new roads are required, longitudinal sections along new roads are required, double-width driveways for the semi-detached houses should be increased to 5m in width, three off-street parking spaces should be provided for unit 8, kerb lines need to be parallel and carriageway width needs to be a consistent 5.5m, bin collection points should be shown, turning heads and junction splays need to be amended to provide comfortable turning and manoeuvre for refuse vehicles, pedestrian access is needed between the parking spaces of units 11 to 13, and the parking spaces of units 9 and 10 obstruct access to the parking space of unit 11.

Any retaining features affecting the highway will require formal technical approval from the council.

As noted in the committee update issued on 06/11/2019, further comments were received from Highways Development Management officers, confirming that the proposals were acceptable except in respect of the refuse vehicle swept paths which still appeared tight. It was recommended that this outstanding matter be addressed at conditions stage.

KC Lead Local Flood Authority – Risk of flooding from watercourse (resulting from blockage to culvert adjacent to unit 18) should be considered, as should works to mitigate risk to the proposed development. Ownership of the watercourse and culvert should be confirmed. If the landowner is responsible, information on future maintenance arrangements should be provided. Watercourse survey should be provided.

Flow routing analysis required. Water from short, intense storms may bypass road gullies and flow routes should avoid property curtilages where practicable, utilising roads and open spaces. Flow routing from attenuation tanks should also be considered.

Further, detailed comments made regarding applicant's surface water drainage strategy.

As noted in the committee update issued on 06/11/2019, the Lead Local Flood Authority commented on the applicant's further information, requesting a revised Flood Risk Assessment that collated the applicant's earlier information. Further investigation relating to flow and overflow routing, an existing watercourse, and other matters requested. The LLFA have advised that a suitable drainage strategy has been demonstrated, and that the site can be developed, however the LLFA's objection would be maintained until the revised Flood Risk Assessment is provided. On 05/11/2019 the applicant provided a revised Flood Risk Assessment. The comments of the LLFA on this revised document are awaited.

8.2 Non-statutory:

KC Biodiversity Officer – Proposed development currently shows a measurable biodiversity net loss, which is not acceptable. Errors in applicant's biodiversity metric calculation highlighted. Concern regarding applicant's assertion that the inclusion of bat and bird boxes would affect the metric score – this is a fundamental misunderstanding of how the metric works. The metric is based

on habitat area, and retaining or enhancing habitats and creating features such as ponds are possible options for improving the score. The council can also consider collecting a commuted sum to offset the loss, however this is not the preferred option. Further work is needed.

KC Conservation and Design – No objection. Overall the design and layout comply with pre-application advice of the Conservation and Design team.

KC Education – No primary or secondary school contribution required.

KC Environmental Health – Agree with conclusions set out in Phase I and II contaminated land reports and ground gas risk assessment. Conditions recommended relating to site contamination, electric vehicle charging points, and Construction Environmental Management Plan. Advice provided regarding construction noise.

KC Landscape – Developments of 10 to 50 dwellings require a Local Area of Play (LAP). This could be incorporated at the application site's open space as a series of well-designed features and playable elements or equipment within a natural playable space, or as an off-site sum towards an existing equipped facility in the vicinity, or a mix of both. The proposed layout does not include a playable space, and the proposed attenuation tanks may make this unfeasible. Golcar ward is deficient in all six open space typologies in terms of quantity. Due to size of proposal, contributions towards parks and recreation, and natural and semi-natural open space, are required. No LAP is indicated, therefore an off-site contribution of £12,273 is required. This could be spent at Spark Street Recreation Ground, which is within the recommend walking distances from the site.

Proposals involve good inclusion of tree planting to front gardens. Full hard and soft landscaping details required. Use, design, management, furnishing and landscaping of open space queried. Detail, gradients, handrail and construction method of footpath through open space requested. Proposed open space would provide a good buffer, however some dwellings abutting it may require defensible space against it. Details of bin storage and collection needed, and each dwelling will require space for two 240 litre bins and an option for a third bin for garden waste. Grit bin locations should be confirmed. Landscape and ecological design strategy, and landscape management plan, needed. Streets should be designed to Green Streets principles. Tree planting and street lighting should be designed together.

KC Planning Policy – (based on the original layout) Site allocation HS148 sets out an indicative site capacity of 125 dwellings. 31 dwellings should be provided at the application site (based on the 35 units per hectare set out in Local Plan policy LP7). 20% affordable homes required, and the proposed five affordable units complies with policy LP11. Noted that all affordable homes would be located together in one part of the site, and that some would be one-bedroom units. Query if proposed open space could be more overlooked in accordance with policy LP24. Open space assessment provided for wider HS148 site with regard to six open space typologies.

KC Strategic Housing – 20% affordable housing required, split 55% social or affordable rent / 45% intermediate. On-site provision preferred. Affordable homes must be evenly distributed throughout the development, and not provided in a single cluster. Affordable homes must be indistinguishable from market housing in terms of quality and design.

In Kirklees Rural West there is a significant need for affordable one- and two-bedroom properties. Five affordable dwellings are required from this development (three social or affordable rent and two intermediate units), and at this site the affordable housing provision can comprise one- and two-bedroom homes.

KC Trees – The revised layout and levels information is an improvement and through there is still likely to be some impact on roots the changes are sufficient to make these acceptable. Arboricultural Method Statement and Tree Protection Plan still required, preferably upfront but could be conditioned as pre-commencement.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle. Applicants are encouraged to apply for Secured by Design accreditation. Overall, the proposed site layout is well designed with plenty of natural surveillance across the properties. The proposed footpath will require good lighting to discourage anti-social behaviour. Further advice provided regarding public footpaths, boundary treatments, lockable gates, publicly-accessible areas, lighting, trees and vegetation, doors and windows, garages, cycle storage, parking, bin stores, alarms and CCTV.

Yorkshire Wildlife Trust – Insufficient information to properly assess the proposed development's impacts. Errors and confusing statements in applicant's submission, and reports fall short of industry standards. Bat survey inadequate. No assessment made of impacts upon nearby bat roosts. Ecological Impact Assessment (EclA) should be submitted, including all survey information, methodologies and assessments, with corrections and clarifications. EclA should show how a biodiversity net gain would be achieved, and should include statements enabling the conditioning of a Construction Ecological Management Plan, Biodiversity Enhancement and Management Plan and a sensitive lighting scheme.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Design and conservation
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site forms part of a wider site allocation (ref: HS148), to which full weight can be given. The rest of the allocated site has full planning permission for residential development, and is being developed – the proposed development would complete the development of site HS148.
- 10.4 The site is not designed as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, and was previously in agricultural use and designed as Provisional Open Land in the superseded Unitary Development Plan. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.
- 10.5 The 17 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.6 The applicant's Planning Statement only refers to climate change when quoting relevant planning policies, and does not explain how the proposed development would help to address or combat climate change effects. Officers note, however, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.7 The application site is a sustainable location for residential development, as it is relatively accessible and is within an existing, established settlement that is served by public transport and other facilities.
- 10.8 Golcar and Longwood currently have a number of pubs, schools, churches, eating establishments and other facilities, such that at least some of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

- 10.9 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Design and conservation

- 10.10 Chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP35 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.
- 10.11 The site is subject to constraints relevant to design and conservation, namely the ten nearby listed buildings and the Longwood Edge Conservation Area to the east and northeast. The site is visible from higher ground (including from Longwood Edge Road and Bull Green Road) to the east, and in these views the effect of any adjacent development upon the setting of the listed buildings and conservation area will be particularly evident.
- 10.12 Permissions relating to the adjacent Weavers Chase were issued prior to the adoption of the council's masterplanning policy (Local Plan policy LP5), and the design and access statements submitted with applications 2013/91987, 2014/92021 and 2017/92093 did not include a masterplan for the wider site, or indicative proposals for the land that is now the subject of the current planning application. However, the approved layouts allowed for future development of the current application site, by way of an east-west estate road (from Thorpe Green Drive) that is to extend to the site boundary.
- 10.13 The proposed 17 dwellings would be arranged around a new estate road. Some rear gardens of the new dwellings would back onto the rear gardens of existing or yet-to-be-completed dwellings, completing perimeter blocks. This approach to layout has not been possible for all dwellings, however, due to the site's topography and width, and the location of open space in the adjacent Weavers Chase development. Several proposed dwellings would have their rear and side gardens exposed to public access, and although this is considered unavoidable, this is a shortcoming of the proposed development that would need addressing (as far as is possible) with careful design of boundary treatments and defensive planting between garden curtilages and publicly-accessible open spaces. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.14 The proposed development's main open space is appropriately proposed at the south end of the site, and would be reasonably well overlooked from the front habitable room windows of units 16 to 21. The sloped open space and footpath proposed along the site's northeastern edge would need to be carefully landscaped so that sufficient natural surveillance can be maintained, and smaller outdoor spaces around the site will also need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping.
- 10.15 Off-street car parking is proposed in front or side driveways, or in integral or attached garages, in similar arrangements to those of the adjacent Weaves Chase development. With appropriate landscaping, the proposed car parking would not have an overdominant or otherwise harmful visual or streetscape impact.

- 10.16 Flood risk (and flood routing) has informed the proposed layout. The development's main estate road would have a gradient and orientation that would help prevent surface water running into or pooling within residential curtilages, and section 8 of the submitted Flood Risk Assessment and Drainage Strategy (revision 05) states that external ground levels will be designed to direct any surface water flow away from building thresholds.
- 10.17 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.18 The application site area is 1.16 hectares (corrected by the applicant from the 1.24 hectares referred to in the previous committee report) Phase 1 would occupy 0.85 hectares of the application site. With 17 units proposed in this area, a density of approximately 20 units per hectare would be achieved. With a further 10 units to be proposed later in the northwestern part of the application site, a density of approximately 23 units per hectare would be achieved.
- 10.19 These density figures, however, are based on the gross (red line boundary) site area figure, which includes some of the land identified in site allocation HS148 as being deductible from the gross site area, and also includes sloped land along the site's northeast boundary and land close to nearby heritage assets. It is accepted that these constraints reduce the site's developable area, and in an email dated 27/09/2019 the applicant suggested that only 0.95 hectares of the application site are in fact developable. Were a total of 27 units to be proposed in these 0.95 hectares, a density of approximately 28 units per hectare would be achieved. This would still fall short of the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7, however it is noted that with 96 units under construction at the adjacent site and a total 27 units proposed (and to be proposed) at the application site, there would be a shortfall of only two units against the indicative site capacity (125 units) for site allocation HS148. Furthermore, adjacent densities to the west must also be noted – with 96 units being developed in 3.5 hectares, the Weavers Chase development will achieve a density of approximately 27 units per hectare. Finally, it is noted that greater density at the current application site would be at odds with the patterns of development commonly found in urban areas (where there is normally a crescendo of density towards centres and street frontages), and that an increase in dwelling numbers would result in more massing and hard surfaces (and less opportunity for greenery) within the context of the nearby listed buildings when they are viewed from higher land to the east. Given all these considerations, it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.20 Four house types are proposed, all of which would be two storeys in height with conventional massing, roof forms and elevational treatments similar to those used at the adjacent Weavers Chase site and other sites nearby. Pitched roofs, front gables and windows with vertical emphases within window openings with horizontal emphases are proposed. A further house type is to be proposed later for the northwestern part of the application site, bringing further variety to street scene.

- 10.21 Artificial stone elevations (with natural stone jambs, lintels and cills), slate effect concrete roof tiles, UPVC windows, UPVC downpipes and GRP doors are proposed. While artificial stone would normally be of concern at such a site adjacent to heritage assets, it is noted that such a material (Forticrete Black Old Weathered artificial stone walling material with a pitched finish) was approved for the adjacent Weavers Chase development (ref: 2017/93592) and the proposed use of artificial stone at the current application site has not attracted an objection from the council's Conservation and Design team. A condition requiring the submission of details and samples of all external materials is recommended.
- 10.22 Notwithstanding the applicant's proposal to erect 1.8m high close boarded timber fences around all rear gardens (which would be unacceptable in several locations around the site, including along the site's northeastern edge and along the new estate road), a condition requiring details of boundary treatments is recommended.
- 10.23 Subject to recommended conditions, given the proposed layout, scale of development, spacing of buildings away from the site's northeastern boundary, and opportunities for soft landscaping, it is considered that the proposed development would not cause unacceptable harm to the significance of heritage assets. The applicant's Heritage Statement arrives at a similar conclusion, and additionally notes that the footpath proposed along the site's northeastern edge would open up views of the rear of the adjacent listed mill, while the proposed layout (and the east-west estate road through the Weavers Chase site) would frame and maintain a longer view of the mill's chimney. Regarding the Grade II listed buildings at 1, 3 and 5 Parkwood Road, the applicant's Heritage Statement asserts that there would be less than substantial harm to their setting, but that – having regard to NPPF paragraph 196 – this harm is outweighed by the proposed development's public benefits. This is accepted.
- 10.24 In light of the above assessment, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP35, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.25 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.26 Acceptable separation distances are proposed between the proposed dwellings and existing and yet-to-be-constructed neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.27 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed relative to that already being delivered at the adjacent Weavers Chase site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

- 10.28 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of temporary drainage arrangements would need to be included in the CMP.
- 10.29 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.30 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Following amendments made during the life of the current application, all of the proposed dwellings would meet the minimum unit size figures set out in this guidance, which is welcomed.
- 10.31 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.32 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although the largest units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.33 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.34 The proposed open spaces would go some way towards meeting the relevant requirements of a 17-unit (and, indeed, a 27-unit) residential development in Golcar ward, which is deficient in all six open space typologies in terms of quantity. The size of the proposed development triggers the need for a Local Area of Play (LAP), and contributions towards parks and recreation, and natural and semi-natural open space, are required. With no LAP indicated on the applicant's drawings, an off-site contribution of £12,273 would be required for a 27-unit development, however there may be an opportunity for the applicant to reduce this requirement if a LAP was provided on-site as a series of well-designed features and playable elements or equipment within a natural playable space. If no such on-site provision is made, the required off-site contribution could be spent at Spark Street Recreation Ground, which is within the recommend walking distances from the site.
- 10.35 As 17 units are now proposed, it is recommended that £7,727 (of the £12,273 required for 27 units) be secured under the current application, with the remaining £4,546 to be secured in connection with the applicant's future application for the remaining 10 units.
- 10.36 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, furnishing, landscaping and management. Details of the proposed footpath through the open space (including details of gradients, any handrails, and construction methods) would also be required.

Affordable housing

- 10.37 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. 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.
- 10.38 When 27 units were previously proposed, five were to be affordable. In terms of unit numbers, this represented an 18.5% provision, which fell slightly short of the requirements of Local Plan policy LP11 due to rounding down. The 20% policy requirement would be equivalent to 5.4 affordable units, therefore it was previously recommended that five affordable units be accepted and that this be secured via Section 106 agreement.
- 10.39 In the 27-unit scheme, units 9 to 13 were to be affordable. The proposed affordable housing was to be provided as two one-bedroom and three two-bedroom units. This proposed unit size mix would have assisted in meeting known need as set out in the 2016 Strategic Housing Market Assessment.
- 10.40 The applicant did not confirm the tenure the affordable housing units. The council's preferred tenure mix is 55% social or affordable rent / 45% intermediate.
- 10.41 The proposed locations of the affordable housing units were considered acceptable. Although not spread across the development (they were proposed in a pair or semi-detached properties and a short terrace, either side of a shared drive), their locations were considered acceptable given the size of the site and the development. Although the proposed affordable provision would have included the development's smallest units (the one- and two-bedroom units), the same detailing and materials were proposed for all dwellings, which would have helped ensure the affordable units would not be visually distinguishable from the development's market units.
- 10.42 17 units are now proposed, of which three would be affordable. This represents a 17.6% provision. The three units (11, 12 and 13) would have two bedrooms. Their proposed location has not changed.
- 10.43 It is recommended that these three units be secured as social or affordable rent units via a Section 106 agreement. The two other affordable units (previously proposed as part of the 27-unit scheme) can be secured as intermediate 1-bedroom units as part of the future 10-unit phase 2 scheme.

Highway and transportation issues

- 10.44 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.45 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.46 The only highway that the application site meets is Parkwood Road, however no vehicular connection is proposed here. Parkwood Road lacks footways, and has narrow widths and poor forward visibility in some locations, such that a new vehicular access from Parkwood Road would not be considered acceptable.
- 10.47 Instead, all 17 units (and the 10 units of the future phase 2 scheme) would rely on vehicular access from the adjacent Weavers Chase site, which in turn connects to Thorpe Green Drive and Leymoor Road. 73 units of the Weavers Chase development (units 1 to 71, 95 and 96) are to be accessed from this western side of that development, and the proposed development for 17 units, plus the 10 units to be proposed later, would result in 100 units requiring access from this western side. Although the applicant's anticipated trip generation figures for 27 units (16 two-way movements in the morning peak, and 15 two-way movements in the afternoon peak) are considered to be low (Highways Development Officers have advised that 21 two-way vehicle movements would be a more robust estimate), given that the applicant's modelling demonstrates that the Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions would operate comfortably within capacity, it is accepted that the impact of the proposed development can be accommodated.
- 10.48 It is recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, to ensure the use of sustainable modes of transport is encouraged and enabled. Travel Plan monitoring fees would also need to be secured.
- 10.49 Pedestrian infrastructure surrounding the site is mixed, with some streets having footways on both sides, and others having none. There is no pavement for users of the bus stop outside 152 Leymoor Road. The proposed footpath around the site's southern and part of its northeastern edges, and the retention of the existing pedestrian access on Parkwood Road, would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e. All residents of the proposed development would be able to walk (without significant detours) from their homes to existing public transport and other facilities available on Leymoor Road, which is served by the 301 and 302 buses. While it is noted that a pedestrian connection between the development's main open space and Stoney Lane or Grove Street would provide easier, more direct access to the existing Spark Street Recreation Ground, this connection would need to cross challenging topography and intervening third party land. As there is no footway along the site's northern edge along Parkwood Road, a new inset refuge (to

improve sight lines for pedestrians, and space off the carriageway where pedestrians can wait for traffic to pass and not have to step directly out onto the carriageway) should be provided at the point where the retained pedestrian access meets Parkwood Road. Details of this provision can be secured via the recommended landscaping and boundary treatment conditions.

- 10.50 Regarding the proposed development's internal arrangements, the applicant's amended drawings have addressed most of the concerns of Highways Development Management (HDM) officers. As reported in the previous committee update, HDM officers have advised that the proposals are now acceptable except in respect of the refuse vehicle swept paths which still appear tight. It is recommended that this outstanding matter be addressed at conditions stage.
- 10.51 Acceptable off-street parking is proposed for the proposed residential units in accordance with council's Highways Design Guide. Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.52 Storage space for three bins is proposed for dwellings, and refuse collection points are proposed throughout the proposed development. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways.

Flood risk and drainage issues

- 10.53 The site is within Flood Zone 1. The site generally slopes downhill from its southwest edge to the northeast. Part of the site drains to the partly-culverted watercourse (a tributary of Longwood Brook) which runs roughly east-west along a depression close to the south edge of the site, while other parts of the site are in a different catchment falling more to the north towards Clay Wood Brook.
- 10.54 As the application site is larger than 1 hectare in size, and is within Flood Zone 1, three versions of a site-specific Flood Risk Assessment and Drainage Strategy (FRADS) were submitted by the applicant. These related to the 27 units previously proposed, and it is accepted that this document did not need to be revised following the deletion of units 1 to 10 from that scheme. The applicant's FRADS states that the post-development surface water run-off rate should be restricted to a discharge rate of 3.5 litres per second, provides for extreme rainfall events, and ensures that the quality of any receiving water body would not be adversely affected by the proposed development. Two attenuation tanks are proposed towards the south end of the proposed development's new estate road, and from these water would discharge to an existing surface water pipe at the site's southeast corner. Soakaways are not proposed, nor is discharge of surface water into the existing watercourse that runs along the southern edge of the application site.
- 10.55 The proposed surface water discharge arrangements are considered acceptable in principle. The proposal not to discharge to the existing watercourse is appropriate, given the known condition of the culverted part of this watercourse.

- 10.56 As reported in the previous committee update, the Lead Local Flood Authority (LLFA) have advised that a suitable drainage strategy has been demonstrated, and that the site can be developed, however the LLFA's previous objection will be maintained until a revised FRADS is provided. It is considered that this outstanding concern (which can be addressed with the submission of an appropriate consolidated FRADS) can be addressed at conditions stage, if not addressed prior to the determination of the current application. A consolidated version of the FRADS has been submitted, and the comments of the LLFA regarding the acceptability of this are awaited.
- 10.57 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.58 Foul water from the proposed development would discharge to an existing sewer at the southeast corner of the site. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees and ecological considerations

- 10.59 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is grassed. There are trees and shrubs along the edges of the site. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of part of the site and land to the northeast bestows protection on trees. A Biodiversity Opportunity Zone (Built-up Areas) and an SSSI Impact Risk Zone covers the site.
- 10.60 Regarding bats, the applicant's biodiversity consultant, JCA, carried out three activity surveys in August and September. These confirmed that the site is used by common pipistrelle bats and is a noctule bat foraging area. The applicant has also submitted an up-to-date data search, which returned records of common pipistrelle, soprano pipistrelle, brown long-eared, noctule, Leisler's, whiskered and Natterer's bats, all within 1km of the current application site. This is a high number of species for a site in West Yorkshire, however these findings are not surprising, given that – for the adjacent (Weavers Chase) site and application 2013/91987 – that applicant looked at an area 2km from that site, and noted records of whiskered, Leisler's, common pipistrelle, brown long-eared, and pipistrelle bats and several indeterminate species records. The current application site has, or is adjacent to, trees, water bodies, rough grass, dark areas, historic buildings and a former quarry face, all of which have potential for bats. Of particular interest is the sheltered, dark area at the north end of the site, and its rough grassland in close proximity to the Wildlife Habitat Network. This area has conditions suitable for a noctule bat feeding site.
- 10.61 As noted in the previous committee report regarding the potential for bats being present on site, although some information had been submitted by the applicant, this was the result of survey work that had not been undertaken in line with national good practice guidelines. Bat activity survey methods should include survey visits across spring, summer and autumn, and should be supplemented by periods of automated survey with static recording devices.

- 10.62 These concerns were central to the Sub-Committee's decision (on 07/11/2019) to defer their decision on the current application. Following the Sub-Committee's decision, the applicant deleted units 1 to 10 from the proposed development, and now proposes 17 units (units 11 to 27) on part of the site. This means that, currently, no development is proposed for the part of the application site that potentially has the greatest ecological interest. This is a positive step, and allows for adequate ecological survey work to be carried out before proposals for the northwestern part of the site are brought forward at a later date.
- 10.63 Additional information relevant to biodiversity has also been submitted by the applicant, including a revised Ecological Impact Assessment, and initial biodiversity metric calculations. These identified a 9% net biodiversity loss resulting from the proposed development (which means the development would not comply with relevant planning policies), and the applicant is currently formulating compensatory measures to address this loss. These may include on-site measures, and/or a commuted sum for off-site works. A further calculation, demonstrating how these proposals would achieve the required net gain, is expected. Further information will be provided in the committee update.
- 10.64 The proposed development is considered acceptable in relation to trees. As set out in the previous committee report, the applicant amended the proposed layout of the 27-unit scheme, pulling unit 6 away from the edge of the site to reduce likely impacts on adjacent trees, however that amendment related to a part of the site where development is no longer proposed under the current application. The applicant also adjusted ground levels and hard surfacing adjacent to tree T13. These were considered to be improvements, and although there is still likely to be some impact on tree roots, the applicant's amendments are sufficient to make these acceptable.
- 10.65 A condition is recommended, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan.

Environmental and public health

- 10.66 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.67 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, open space, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

- 10.68 Regarding the social infrastructure currently provided and available in Golcar and Longwood (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

Ground conditions

- 10.69 Regarding neighbouring residents' concerns relating to rock falls from the adjacent former quarry face to the northeast of the application site, Local Plan policy LP53 states that development on land that is unstable will require the submission of an appropriate land instability risk assessment. For developments identified as being at risk of instability, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the wellbeing of residents or protect the environment will not be permitted. Paragraph 179 of the NPPF states that, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 10.70 There is currently no evidence before the council to suggest that the proposed development would result in increased risk of damage or injury at the adjacent Parkwood Mills site, and maintenance of the former quarry face is the responsibility of the landowner. Damage to vehicles or adjacent property resulting from the implementation of the proposed development is a civil matter to be resolved between the relevant parties (with recourse to the law, if necessary), and is not a reason for withholding planning permission. That said, Local Plan policy LP53 places a responsibility upon the current applicant to demonstrate that the proposed development would not cause harm to people or the environment, and it is noted that significant works and the creation of a new footpath are proposed relatively close to the top of the former quarry face. The applicant has been asked to address these concerns, and has stated:

"The nearest house to the edge of the former quarry face is Plot 11 which is 7m from the top of the quarry wall.

The intrusive site investigation information indicates firm to stiff clay overlying sandstone rock at between 1.3m and 2.0m. It is therefore envisaged that the foundations for the new two-storey dwellings will be simple strip footing founded on the clay or sandstone and will be constructed using trenching techniques.

It is not expected that significant percussive methods will be required to break out sandstone rock. Rather, foundations will bear onto the exposed rock surface where encountered.

Based on the above the construction methods to be adopted and proximity of the closest excavations to the former quarry face, it is highly unlikely that these would cause failure of the rock face or dislodging material".

- 10.71 Regarding potential site contamination, the findings of the applicant's contaminated land report and ground gas risk assessment are accepted. Conditions regarding site contamination remediation are recommended.
- 10.72 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This 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.
- 10.73 The 250m buffer zones of landfill sites to the east and west do not prohibit approval of planning permission for residential development at this site.

Representations

- 10.74 A total of three representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.75 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- Affordable housing – Three affordable housing units (social or affordable rent) to be provided in perpetuity.
 - Open space – Off-site contribution of £7,727 to address shortfalls in specific open space typologies.
 - Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
 - Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 10.76 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other planning matters

- 10.77 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Removal of permitted development rights from dwellings adjacent to the site's northeastern edge is also considered necessary, as extensions and alterations under permitted development allowances here could be harmful to the significance of the adjacent heritage assets.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS148, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), adjacent heritage assets, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 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, 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.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development
2. Approved plans and documents
3. Construction Management Plan
4. Arboricultural Method Statement and Tree Protection Plan
5. Temporary surface water drainage
6. Flood risk and drainage
7. Site contamination
8. Internal adoptable roads
9. Refuse vehicle swept paths
10. Crime prevention
11. External materials
12. Boundary treatments
13. External lighting
14. Landscaping
15. Biodiversity enhancement, net gain and Ecological Design Strategy
16. Removal of permitted development rights
17. Cycle parking
18. Electric vehicle charging points
19. Waste storage and collection

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92164>

Certificate of Ownership – Certificate B signed