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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 13-Feb-2020**

**Subject: Planning Application 2016/94290 Outline application for residential development land at, George Street/William Street, Ravensthorpe, Dewsbury, WF13**

**APPLICANT**

Kirklees Council Physical  
Resources and  
Procurement

**DATE VALID**

10-Feb-2017

**TARGET DATE**

07-Apr-2017

**EXTENSION EXPIRY DATE**

18-Feb-2020

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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**

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**Electoral Wards Affected: Dewsbury West**

No
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Ward Members consulted  
(referred to in report)

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**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 issue the decision.**

**1.0 INTRODUCTION:**

- 1.1 The application is for outline planning permission for residential development, with all matters reserved for a subsequent planning application.
- 1.2 The application is brought to the Heavy Woollen Sub-Committee due to the significant number of representations that have been received.
- 1.3 This is in accordance with the Council's Scheme of Delegation and has been agreed with the Chair of the Heavy Woollen Planning Sub Committee.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises of an area of land in between William Street and George Street in Ravensthorpe which is currently an area of hard standing with trees, play equipment and a garage on the land.
- 2.2 Surrounding the site is an area of mixed use, with residential and industrial uses in close proximity. To the southwest of the site, there is a row of terraced properties, to the south there is an area of industrial buildings and to the northeast there are a number of industrial buildings. Directly to the front (northeast) of the site, there is a block of back to back dwellings.
- 2.3 The site is unallocated on the Kirklees Local Plan. It is however identified as being within Flood Zone 2.

**3.0 PROPOSAL:**

- 3.1 Outline planning permission is sought for the erection of residential development at the site. All matters relating to 'layout', 'scale', 'landscaping', 'appearance' and 'access' are reserved for any subsequent reserved matters application.

3.2 The applicant has submitted a plan which shows an indicative layout of 5 dwellings on the site. This site layout is not being assessed as part of this outline planning application, only the principle of development is under consideration at this time.

3.3 No details of the appearance of the dwellings, or their scale have been submitted as they would form the reserved matters (scale and appearance).

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 None on the application site however, the following planning applications relate to land immediately to the north of the site:

4.2 2019/91068 – Demolition of existing storage unit and erection of replacement storage unit (Class B8) APPROVED

4.3 2018/93195 – Demolition of existing storage unit and erection of replacement storage unit (Class B8) REFUSED

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

5.1 The case officer has been in discussions with the agent with regard to the flood risk sequential test information that is required to address concerns relating to flood risk given that the development is in Flood Zone 2. Noise was also raised as a concern due to the nearby commercial/ industrial premises.

5.2 The agent has provided a flood risk sequential test and a noise report, both of which Officers are satisfied justify the location of this site in flood risk terms and addresses noise issues. A more detailed assessment of these issues is set out in the report 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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (KLP):**

**LP1** – Presumption in favour of sustainable development

**LP2** – Place shaping

**LP7** – Efficient and effective use of land and buildings

**LP21** – Highway Safety

**LP22** – Parking Provision

**LP24** – Design

**LP27** – Flood Risk

**LP28** – Drainage

**LP30** – Biodiversity and geodiversity

**LP33** – Trees

- LP38** – Minerals safeguarding
- LP51** – Protection and improvement of air quality
- LP52** – Protection and improvement of environmental quality
- LP53** – Contaminated and unstable land

6.3 National Planning Policy Framework (NPPF):

- Chapter 5** – Delivering a sufficient supply of homes
- Chapter 9** – Promoting sustainable transport
- Chapter 11** – Making efficient use of land
- Chapter 12** – Achieving well designed places
- Chapter 14** – Meeting the need for climate change, coastal change and flooding
- Chapter 15** – Conserving and enhancing the natural environment

6.4 Supplementary Planning Guidance:

- Highways Design Guide Supplementary Planning Document
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Due to the time lapse between the original publicity period and the determination of the planning application, Officers considered that a further publicity period should be undertaken. This publicity period has expired, with the comments summarised below.

7.2 As a result of the original publicity period, 3 individual representations were received, with a petition of 35 signatures also being received.

7.3 As a result of the extended publicity period, 6 individual representations have been received with a petition of 32 signatures also received.

7.4 The comments received are summarised as follows:

- Parking issues – residents and customers of industrial units struggle to park outside
- Children used this land to play
- Lighting issues
- No indication of dropped kerb that is required – plans show removal of pavement
- Access to the nursery should not be prejudiced
- Require whole of George Street to be marked as double yellow lines
- Welcome provision of turning head but it is very close to the entrance to the entry to the nursery – safety concerns
- Access for emergency vehicles is required
- Eyesore
- Land is unclean, unkempt and rat infested
- Objection to building on Green Belt
- Trees will be cut down
- Nowhere to enjoy birds singing
- More waste
- More noise pollution

- Loss of privacy and fear of being overlooked
- Inconvenience of having a building site
- Commercial vehicles use the hard surface area for manoeuvring purposes. If this is removed, safety concerns for children.
- Loss of garage will mean nowhere to keep bike safe and secure
- Provision of children's play equipment and maintenance of the land – useful for the community
- Possibility that business would have to move out of Ravensthorpe because of insufficient parking and turning within the area
- Would result in an empty building and subsequent degeneration of the area

7.5 The following comments have also been made by Cllr O'Donovan:

- Highway concerns
- Has a site visit been arranged to discuss mitigation with residents?
- Request committee appearance is deferred

7.6 Officer comments in response to the above representations will be made in the report below.

## 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 conditions.

**Lead Local Flood Authority** – No objection following receipt of additional information.

**The Environment Agency** – The applicant initially failed to submit any Sequential Test evidence with the application (the site lies within Flood Zone 2). Sufficient evidence needs to be provided by the applicant to allow the Sequential Test to be carried out; evidence to support the sequential test should be added to the planning file for public record. In regard to flood risk, confirmed no objection to the proposed development however, advised that the developer may wish to consider including measures to mitigate the impact of more extreme future flood events

### 8.2 Non-statutory:

**K.C Environmental Health** – Initial objection overcome following submission of noise report. Conditions recommended.

**K.C Trees** – No objection at this outline stage. Layout should be carefully considered, taking into account the trees/landscaping of the site.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 10.2 Residential amenity (including noise), highway safety and flood risk will also be assessed in this report below.
- 10.3 Chapter 5 of the NPPF states that planning decisions should support the Government’s objective of significantly boosting the supply of homes. In this case, the proposed development seeks outline planning permission for residential development with an indicative layout of 5 dwellings, meaning that the Government’s objective as set out above is met through this proposal.
- 10.4 An assessment of the material planning considerations that are relevant to this planning application will be discussed below.

### Urban Design issues

- 10.5 This outline planning permission seeks approval of the principle of development at the site; it does not include ‘layout’ and therefore the site layout plan reference ‘A01’ submitted with this application must be regarded as indicative and has not been assessed in detail at this stage. However, as this and other drawings accompany the application submission, it is appropriate to comment on them, to inform future design work, should outline permission be granted.
- 10.6 Relevant design policies include those set out in Chapter 12 of the NPPF and Policies LP2 and LP24 of the Kirklees Local Plan.
- 10.7 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 sets out that all developments should be of good quality.

- 10.8 The applicant's indicative layout illustrates Plots 1-3 as a block of three dwellings, with plots 4-5 located further to the southwest of the site. The indicative block plan shows that the dwellings would have sufficient areas of amenity space with areas for parking also demonstrated within the site. It is noted that the dwellings are indicated to each have 2 bedrooms.
- 10.9 The applicant has not provided a justification for the proposed layout. Many planning matters should inform layout including topography, local character, highways considerations, flooding and residential amenity. In this case, the land is relatively flat, with the existing turning head and trees within the site also a constraint. Considering these constraints, it is noted that the proposed siting of the dwellings could be acceptable. Further justification of the layout and design would be required at reserved matters stage, should Members approve this outline planning permission.
- 10.10 On a site of approx. 0.13 hectares, 4.55 dwellings would be required to achieve the required density of 35 dwellings per hectare as set out in Policy LP7 of the Kirklees Local Plan. In this case, the proposed layout indicates 5 dwellings on the site and therefore the indicative site plan is of a satisfactory density to comply with LP7 of the Kirklees Local Plan and Chapter 11 of the National Planning Policy Framework. 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, should outline permission be granted.

### Summary

- 10.11 The principle of development on this site which is unallocated in the Kirklees Local Plan is considered acceptable by officers, from a visual amenity perspective, in accordance with Policies LP11 and LP24 of the Kirklees Local Plan and Chapters 5, 11 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 at the subsequent reserved matters stage should outline planning permission be granted.

### Residential Amenity

- 10.12 The principle of residential development at this site is considered acceptable in relation to the impact on the amenity of the occupants of neighbouring residential properties and the future occupiers of the proposed dwellings themselves. Chapter 12 of the National Planning Policy Framework states that planning decisions should 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.
- 10.13 As noted above, the block plan has been submitted for indicative purposes only, however it is nonetheless appropriate to comment on it in relation to the amenity of the existing neighbouring residents to inform future design work.

- 10.14 Appropriate distances could be achieved between the proposed dwellings and the neighbouring properties on William Street and George Street both to the northwest, northeast and southeast. These properties are located a sufficient distance away from the application site so as not to be adversely affected by the proposed development in terms of natural light, privacy and outlook.
- 10.15 The quality and amenity of 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, which will impact on residential amenity, are reserved at this stage.
- 10.16 The proposed houses could also be provided with adequate outdoor private amenity space and are capable of being provided with adequate outlook, privacy and natural light to ensure a reasonable level of amenity.
- 10.17 K.C Environmental Health have commented on the application and identified a potential noise generating source from the nearby commercial premises in very close proximity to the site. The case officer therefore requested the applicant provided a noise report which was subsequently submitted during the course of the application.
- 10.18 The report concludes that Plots 1-3 would be exposed to modest levels of industrial noise and road traffic noise, and therefore windows must be kept closed to prevent noise ingress. The remaining plots will achieve acceptable internal noise levels through standard thermal double glazing, and therefore alternative ventilation is required.
- 10.19 Officers are satisfied that the mitigation recommended within the noise report address the concerns of K.C Environmental Health. A condition has been recommended to ensure that the proposed development would be completed in accordance with the measures set out within the submitted report, with future reporting of sound levels to the Local Planning Authority to ensure that the required sound levels have been achieved. K.C Environmental Health have subsequently withdrawn their initial objection and Officers consider that the proposed development will provide a high standard of amenity for the future occupiers of the proposed dwellings.

### Summary

- 10.20 To conclude, the impact on the residential amenity of future occupants of the development as well as 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

- 10.21 The impact on highway safety is acceptable and has been considered by Highways Development Management. The proposed development consists of the erection of 5 two-bedroom dwellings which each have two associated parking spaces within the site.



- 10.22 Highways Development Management have no objection to the proposed development with adequate parking provision being indicated and sufficient space provided for safe turning manoeuvres. Notwithstanding this, the layout of the proposed development and the proposed access are not being assessed as part of this outline planning application, which solely seeks the principle of residential development on the site.
- 10.23 The proposal would not result in the displacement of additional vehicles onto the highway (which is currently heavily trafficked) and is considered, by officers, with the inclusion of appropriate conditions, to be acceptable.
- 10.24 Two conditions have been recommended. The conditions relate to the provision of bin storage within the application site and the provision of a turning head at the end of George Street which will ensure that manoeuvres to and from the site do not cause highway safety issues to existing occupiers of dwellings on William Street, as occupiers of the proposed new dwellings could turn within the site, meaning that there would be no conflict with parking vehicles. These matters would however be addressed as part of any subsequent reserved matters, under 'layout' and 'access', but for clarity, have been included as suggested conditions, should outline permission be granted by Members.

#### Summary

- 10.25 Taking the above into account, Officers consider that, with the inclusion of appropriate conditions, the proposal is acceptable from a highway safety and efficiency perspective, complying with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

#### Flood risk and drainage issues

- 10.26 The application site is within Flood Zone 2 and therefore the Lead Local Flood Authority (LLFA) and the Environment Agency have been consulted on the application and have reviewed the Flood Risk Assessment.
- 10.27 Chapter 14 (paragraph 155) of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. A sequential test approach should be applied, in accordance with paragraph 158 of the NPPF which states that the aim of the sequential test is to steer new development to areas of the lowest risk of flooding.
- 10.28 As previously set out, the site is in Flood Zone 2 and therefore residential development should not be permitted if there are other reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.
- 10.29 The case officer advised the applicant that a flood risk sequential test was required to assess whether there are other 'reasonably available' sites that could accommodate the development. Officers have reviewed the submitted information and consider that it has been demonstrated that there are currently no reasonably available sites within lower flood risk areas that could accommodate the proposed development. The flood risk sequential test has therefore been passed.

- 10.30 Taking account of the location of this site in flood zone 2 and the vulnerability classification of the use proposed, and in accordance with NPPF and National Planning Policy Guidance, a flood risk exception test is not required. A Flood Risk Assessment has been submitted and reviewed by the Environment Agency and the Lead Local Flood Authority.
- 10.31 The Environment Agency has commented on the application and raised no objections, with the Lead Local Flood Authority also being in support of the application. Officers have considered the sequential test information and the Flood Risk Assessment, and have recommended two pre-commencement conditions as set out below.
- 10.32 Officers from the Lead Local Flood Authority have recommended drainage details and a surface water discharge scheme to be submitted prior to the commencement of development. Officers recommend the imposition of these conditions to Members to ensure that the flood risk impact of the proposed residential development is satisfactory.
- 10.33 Officers are satisfied that the development is acceptable in terms of flood risk, with the inclusion of conditions to ensure that the recommended mitigation within the Flood Risk Assessment document is implemented.

#### Summary

- 10.34 Subject to the inclusion of the above suggested conditions, Officers consider that the proposal complies with Policies LP27 (flood risk) and LP28 (drainage) of the KLP and Chapter 14 of the NPPF.

#### Representations

- 10.35 As stated above, due to the time lapse between the original publicity period and the application being reported to Heavy Woollen Planning Sub Committee, Officers considered it appropriate to carry out a further publicity period. This additional publicity period has now expired, with the comments are summarised below.
- 10.36 As a result of the original publicity period, 3 individual representations were received, along with a petition of 35 signatures.
- 10.37 As a result of the additional publicity period, 6 individual representations were received, along with a petition of 32 signatures.
- 10.38 The comments received have raised the following concerns, which are addressed by officers:
- Parking issues – residents and customers of industrial units struggle to park outside
- Officer response: see highway safety section of this report. It is noted that William Street and George Street are heavily trafficked. However, as can be seen from the indicative block plan, there would be adequate space within the application site for parking of vehicles for residents of the new units.*

- Children used this land to play  
Officer response: *this is noted however, the land is unallocated. It has not been identified as an area of Open Space.*
  
- Lighting issues  
Officer comment: this is noted. K.C Environmental Health have been consulted on the planning application and raised no concerns. If lighting is required within the development, this could be dealt with in any subsequent reserved matters application under 'appearance'. A suitable layout is considered to be achievable at reserved matters stage to ensure that there would be an acceptable relationship between existing and proposed dwellings.
  
- No indication of dropped kerb that is required – plans show removal of pavement  
Officer comment: *this detail would be secured at the reserved matters stage when 'layout' and 'access' is being assessed. Highways Development Management state that on any subsequent plans, the footway will need to be to ensure continuity for pedestrians linking the two roads together.*
  
- Access to the nursery should not be prejudiced  
Officer comment: *this is a private matter. From the indicative block plan, the turning head is located away from the nursery site entrance and will not result in access issues.*
  
- Require whole of George Street to be marked as double yellow lines  
Officer comment: *given the scale of the development and the space within the site, it is noted by Highways Development Management that there is sufficient space within the site to achieve the requirements for turning and parking; this would however be assessed at the reserved matters stage, as part of 'layout' and 'access'.*
  
- Welcome provision of turning head but it is very close to the entrance to the nursery – raise safety concerns  
Officer comment: *this is noted. As part of the reserved matters, careful consideration will be given to the layout of the proposed development and the access to the site. This is not being assessed at this outline stage.*
  
- Access for emergency vehicles is required  
Officer comment: *this is noted. As part of the reserved matters, careful consideration would be given to the layout of the proposed development and the access to the site. This is not being assessed at this outline stage; but consideration would be given in regard to the provision of adequate turning facilities to serve such vehicles.*
  
- Eyesore  
Officer comment: *the layout, scale, appearance and landscaping of the proposed development is not being assessed in this application. It is solely the principle of development on the land.*
  
- Land is unclean, unkempt and rat infested  
Officer comment: *this is noted.*

- Objection to building on Green Belt  
*Officer comment: the site is not allocated as Green Belt on the Kirklees Local Plan, but could be classed as Greenfield as the land has never been built on previously. The site is unallocated and therefore the principle of residential development on this site is acceptable.*
- Trees will be cut down  
*Officer comment: see 'other matters' section of this report. The layout of the proposed development will take into consideration the positioning of the trees on the site.*
- Nowhere to enjoy birds singing  
*Officer comment: this is noted. This is not a material planning consideration.*
- More waste  
*Officer comment: this is noted. A condition has been recommended to ensure that a scheme detailing storage and access for the collection of waste from the properties has been submitted.*
- More noise pollution  
*Officer comment: it is not considered that residential use is a significant noise generator and will not harmfully impact on the occupiers of surrounding residential properties. In terms of the future occupiers of the proposed dwellings, a noise report has been submitted and mitigation measures proposed to ensure that the noise from commercial premises will not result in a harmful impact on residential amenity if the application is to be approved.*
- Loss of privacy and fear of being overlooked  
*Officer comment: the layout, scale and appearance of the proposed dwellings is not being considered at this outline application stage. Officers consider that a satisfactory layout can be achieved to ensure an acceptable standard of amenity for existing and future occupiers. Suitable distances between existing and proposed dwellings can be achieved.*
- Inconvenience of having a building site  
*Officer comment: issues arising from the construction period is not a material planning consideration. A footnote can be attached to the decision notice advising of suitable construction hours*
- Commercial vehicles use the hard surface area for manoeuvring purposes. If this is removed, safety concerns for children.  
*Officer comment: this is noted. A condition has been recommended to request details of a turning head at the end of George Street to allow vehicles to turn at the end of the street to be incorporated as part of layout and access to be considered at the reserved matters stage. This is due to the heavy parking on either side of both George Street and William Street.*
- Loss of garage will mean nowhere to keep bike safe and secure  
*Officer comment: this is noted. This is not a material planning consideration.*
- Provision of children's play equipment and maintenance of the land – useful for the community  
*Officer comment: this is noted. However, the site is unallocated on the Kirklees Local Plan and has not been identified as Open Space.*

- Possibility that business would have to move out of Ravensthorpe because of insufficient parking and turning within the area

*Officer comment: this is noted. However, following consultation with the Council's Highways Development Management, it has not been suggested that there would be a conflict between the proposed and existing uses given the parking and turning that would be provided within the red line boundary.*

- Would result in an empty building and subsequent degeneration of the area
- Officer comment: this is noted. At this stage, the appearance, layout and scale of the residential development is not being assessed and therefore it is at reserved matters stage that detailed design will be considered.*

10.39 Officers' response to Councillor O'Donovan is as follows:

- Highways concerns

*Officer comments: Cllr O'Donovan's concerns relating to highway safety have been noted. Highways Development Management have been consulted on the application, and following their review, no objection to the proposed development was raised. As can be seen from the highway safety section of the report, parking provision can be provided within the site and a condition relating to the provision of an additional turning head has been recommended. 'Access' will be considered at any subsequent reserved matters stage.*

- Has a site visit been arranged to discuss mitigation with residents?

*Officer comment: a site visit has not been arranged with residents. K.C Environmental Health have responded to the application and considered that appropriate mitigation can be provided. Again, it is only the principle of development that is being assessed.*

- Request committee appearance is deferred

*Officer comment: the application was submitted in 2016, with recent publicity also undertaken given the time lapse between the original submission and the proposed decision making. Councillor O'Donovan has been made aware that the application is being reported to the Heavy Woollen Planning Committee on 13 February 2020.*

#### Other Matters

10.40 *Trees* - There are several mature trees within the application site and therefore the K.C Trees Officer has been consulted on the application. Whilst it is noted that the trees are not protected by Tree Preservation Order and are not located in a conservation area, the two mature Sycamore trees are significant and prominent within the local area and therefore it would be preferable for the trees to be incorporated into any future reserved matters planning application when 'layout' is being considered.

10.41 Officers consider that the imposition of a condition requiring a Tree Survey and Methods Statement (BS5837 standard) is necessary and important in order to aid the design layout of the proposed development. Notwithstanding this, Officers are satisfied that the principle of residential development can be achieved and therefore there is no objection to this outline planning application. The proposed development complies with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

- 10.42 *Climate Change* - 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.
- 10.43 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 in accordance with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
- 10.44 *Electric Charging Points* - 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 Officers recommend that a condition can satisfactorily address this.
- 10.45 *Coal Mining* – The site is in an area of low coal mining risk and therefore there is no requirement for a Coal Mining Risk Assessment or consultation with The Coal Authority. Instead, Officers recommend a footnote to be added to the decision notice to provide advice to the applicant should coal mining workings be found during construction. The proposed development complies with policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.46 *Contaminated Land* – The site is not identified as potentially contaminated on the Council’s mapping system. However, given the proposed use of the site for residential purposes, K.C Environmental Health have recommended a condition. The condition states that any unexpected contamination should be reported to the Local Planning Authority. Officers consider that this condition is reasonable and necessary to safeguard against any contamination that may be found during construction. The proposed development is acceptable in principle in this regard and there is no objection from K.C Environmental Health. The proposed development complies with policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.47 *Minerals Safeguarding* – The site is over 1000sq m and is within a wider mineral safeguarding area and therefore Policy LP38 of the Kirklees Local Plan 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.

10.48 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 of the KLP 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.

10.49 *Pre-Commencement conditions* – There are several pre-commencement conditions recommended with regards to drainage and highways as referred to in the report above. Officers have ensured that the agent has provided their written agreement to these conditions as required by the Town and Country Planning (Pre Commencement Conditions) Regulations 2018.

10.50 *Contributions* – Given the small scale of the proposed development, no educational, highways, public open space and affordable housing contributions are required to make the development acceptable.

## **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 unallocated on the adopted Kirklees Local Plan, is acceptable.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Approval of Reserved Matters details of Appearance, Landscaping, Layout, Scale and Access to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout, Scale and Access to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within 3 years.
4. Time limit for commencing development following approval of final reserved matter.
5. Development to be carried out in accordance with approved plans and specifications.
6. Samples of facing and roofing materials.
7. Vehicle parking areas to be of permeable surfacing.
8. Provision of Electric Vehicle Charging points.
9. Reporting of unexpected land contamination.
10. Development to be carried out in accordance with the Flood Risk Assessment.

11. Submission of drainage strategy.
12. Submission of surface water drainage strategy.
13. Development to be carried out in accordance with noise report.
14. Submission of tree survey and method statement with any subsequent Reserved Matters application relating to 'layout'.
15. Details of storage and access for the collection of waste with any subsequent Reserved Matters application relating to 'layout'.
16. Scheme detailing provision of a turning head at George Street with any subsequent Reserved Matters application relating to 'layout' and 'access'.

### **Background Papers:**

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94290>

Certificate of ownership – Certificate A signed and dated: 07/12/2016