
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Nov-2020

Subject: Planning Application 2019/92670 Erection of 13 dwellings land at, Peep Green Road, Hartshead, Liversedge, WF15 8AW

APPLICANT

R Newton

DATE VALID

24-Jan-2020

TARGET DATE

24-Apr-2020

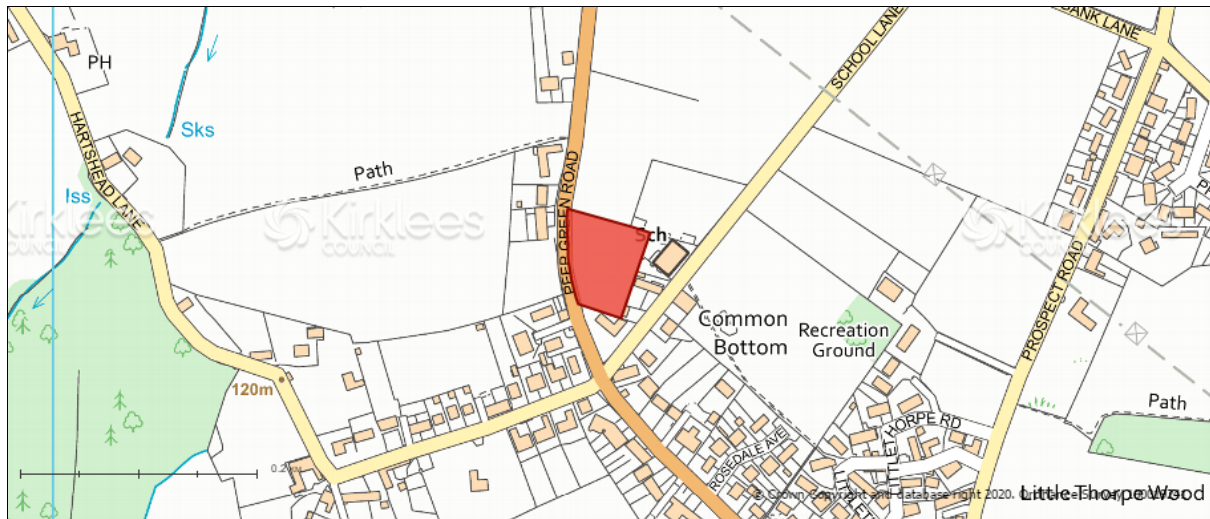
EXTENSION EXPIRY DATE

20-Feb-2020

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal Ward

Ward Councillors consulted: Yes

Public or private: Public

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 S106 agreement to cover the following matters:

1. Affordable Housing – Three affordable housing units; 2 social/affordable rented dwellings and 1 intermediate dwelling) to be provided on site and identified as plots 6, 11 and 12.
2. Open Space – Full off-site contribution of £24,501
3. Biodiversity net gain – Secure off-site biodiversity improvement works to two parcels of land within a distance of approximately 1km from the application site.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of 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 13 dwellings.
- 1.2 The application is presented to the Heavy Woollen Planning Sub-Committee due to the number of representations received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.44 hectares in size, is in use for horse grazing, and is located to the east of Peep Green Road at Hartshead. It is bordered by undeveloped green belt land to the north, to the east is Hartshead Junior and Infant School, and to the south-east are neighbouring residential properties located off School Lane.
- 2.2 The proposed development site slopes from approximately 140m AOD in the north east corner to approximately 132mAOD in the south west corner. The application site is previously undeveloped (greenfield) land and is grassed. There is a tree line to the northern boundary not protected by a Tree Preservation Order.

2.3 The whole of the land within the red line boundary comprises a housing allocation site in the Kirklees Local Plan; ref HS112.

3.0 PROPOSAL:

3.1 The application seeks full planning permission for the erection of 13 dwellings. The dwellings would be arranged around a new estate road located centrally which would be accessed off Peep Green Road. Seven dwellings would front directly onto Peep Green Road with the remaining six to be sited in the eastern portion of the site.

3.2 The proposed layout is as follows:

- Plots 1-4 (3 bed) comprise a block of 4 terraced dwellings to the north of the estate road. The dwellings would be stepped down in height in response to the topography of the site, with plots 1-3 proposed as three storeys dwellings with the second floor contained within the roof space and lit by rooflights on the principal elevation, and plot 4 would be a two storey dwelling.
- Plots 5-7 (3 bed) comprise a block of 3 terraced dwellings to the south of the estate road. The dwellings would be stepped down in height in response to the topography of the site, with plots 5 and 6 proposed as three storey dwellings with the second floor in the roof space and lit by rooflights on the principal elevation, and plot 7 would be two storeys.
- Plots 8-10 (3 bed) comprise a terrace of three dwellings in the south-eastern corner of the site, plot 8 would be a two storey property, and plots 10 and 9 would be three storey dwellings with the second floor in the roof space and lit by rooflights on the rear elevation.
- Plots 11-13 (2 and 3 bed) comprise a terrace of three dwellings in the north-eastern corner of the site. All the dwellings would be two storeys in height, with plot 13 a three bedroom property and plots 11 and 12 two bed properties.

3.3 The proposed construction materials are natural stone and stone slate. Each dwelling would have 2 no off-street parking spaces and a private amenity space. The proposed landscaping works includes the provision of a vegetated wall and the retention of the tree screen to the northern boundary of the site and some additional tree planting within the site.

3.4 Three of the thirteen residential dwellings would be provided as affordable housing.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2001/91685 – Erection of detached bungalow and detached garage – Refused.

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

5.1 Officers negotiated with the applicant to:

- Increase the number of dwellings from 10 to 13 to address local plan density expectations for this allocated housing site
- Secure additional information to address highway safety matters
- Secure details of biodiversity net gain
- Secure details of surface water drainage.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

The whole of the site comprises site allocation HS112. The site allocation sets out an indicative housing capacity of 15 dwellings, and identifies the following constraints:

- Pedestrian facilities required within access arrangements
- Noise source near site – adjacent school

Kirklees Local Plan (2019):

6.3 **LP1** – Presumption in favour of sustainable development
LP2 – Place Shaping
LP7 – Efficient and effective use of land and buildings
LP11 – Housing Mix and Affordable Housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP33 – Trees
LP60 – New Open Space

Supplementary Planning Guidance / Documents:

6.4 Highways Design Guide
Affordable Housing

National Planning Guidance:

6.5 **Chapter 2** – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting health 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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development. The application initially proposed 10 dwellings and was subject to a period of publicity commencing August 2019.
- 7.3 The application was later amended to propose 13 dwellings and was re-validated with a new period of publicity commencing January 2020.
- 7.4 As a result of the initial publicity for the 10 dwellings, combined with the initial publicity period for the 13 dwellings, 86 representations have been received, including one letter of support and 85 objections.
- 7.5 A further period of amended plans publicity was undertaken commencing September 2020. As a result of this publicity a further 6 representations have been received bringing the total number of representations to 92.
- 7.6 A summary of the comments received is included below:

Letter of support

- New houses are needed in the area which will provide jobs and make the housing market move. There is a shortage of houses on the market in the Liversedge area.

Objections

Principle of Development

- This land was re designated from green belt without local consultation.
- Greenfield land should not be prioritised over brownfield, there are numerous undeveloped brownfield sites within the area.
- Query what evidence has been critiqued to conclude the housing need. Hartshead is a semi-rural village with few amenities for a large quantity of additional housing. Concern it would set a precedent endangering the character of the village, affecting residents and visitors.
- The benefit to the local economy is questionable and planning permission has been previously refused on this site
- The site has been used as a community resource. The Council should take into account efforts of local people to maintain and campaign for this land.
- The planning system is supposed to allow for representation of community views. The community will not benefit losing a valuable and well used open community greenspace.
- The proposal does not reflect the needs of the village.

Highway Safety

- Peep Green Road is a narrow road with fast and heavy traffic flow. The road bends at this point and is on an incline. Concern an access would be extremely dangerous as vehicles will be leaving and entering where the road dips and drivers accelerate.
- The approach to the junction down Peep Green lane is vulnerable due to the gradient and curve of the road. There have been accidents and near misses and exiting School Lane to turn right or cross at the junction is dangerous due to poor sight lines.
- The proposed access is close to Hartshead crossroads where visibility looking north along Peep Green Road is limited due to the bend. Negotiating this crossroads is difficult. Additional traffic will increase the hazardous nature of the crossroads.
- Concern it is impossible to create an adequate visibility splay due to the gradient of the road and geography of the area.
- Concern a lack of visitor parking may result in visitors parking on Peep Green Road adding to visibility issues. On-street parking already occurs by residents and parents dropping off/collecting school children.
- Peep Green Road is a short cut for motorists avoiding Leeds/Huddersfield Road and an escape route for Junction 25 of the M62.
- Cyclists will have limited time to react to the access.
- Traffic calming measures should be brought into use.
- Peep Green Road from the junction of Windy Bank Road has no footpath on the side and a pavement will have nowhere to go.
- Concern summer vegetation limits visibility.
- The Fire service use it as a route to Huddersfield
- Residents have asked for road calming measures
- Most cars pass in excess of the 30mph speed limit
- School traffic is a problem at opening and closing times.
- Heavy farm traffic/machinery passes along Peep Green road. There is a bend to the north of the site and the road slopes downwards to the crossroads where there is another bend. The footpath to run the length of the site appears to taper off at each end. Pedestrians would not be able to see traffic approaching from the north end as it would not be visible due to the bend in the road. The silent nature of Electric cars would give little warning.
- An accident on the side of the proposed site occurred involving a car and a motorbike travelling from the north end of Peep Green Road. The field wall opposite has been knocked down twice by vehicles travelling towards the crossroads.
- A previous 2001 application for a single dwelling with garage was refused on road safety grounds and road traffic has since increased.
- There are four bus stops within 50 yards of each other which adds to congestion and visibility issues (six transits per hour at peak times).
- Concern about pedestrians crossing a 'blind' bend.
- Concern about construction vehicles adding to danger and disruption.
- A pavement and realigning the field boundary will make no difference to the contour of the road.
- The slow sign and pedestrian crossing will not ease concerns, pedestrians are rising their lives crossing. Visibility splays serves no purpose at a blind bend.
- The speed survey data is inadequate, covers too short a period and is unrepresentative of normal traffic conditions.
- Speed surveys were undertaken between 12 midday and 3pm. They should be undertaken between 7am and 9.30 and 3pm and 6pm.

Visual Amenity

- Hartshead is a historic village of mainly renovated cottages, the few red brick modern properties stand out like a sore thumb. New houses will make another blot on the landscape.
- The layout and housing density is too high, the development is out of proportion to the size of plot and the village. A maximum of 4 dwellings would be suitable.
- The development would negatively impact on the appearance of the village and open outlook of the school. It would not be in keeping with the look of the village
- The sections provided are poor to allow a visual assessment.
- Aesthetically an estate cannot compare to the beauty of meadow land surrounded by mature trees.

Ecology

- The plans would destroy mature meadowland. The paddock is one of the only wild meadows in the village and an important area for insects.
- Concern about loss of a pocket of nature and the impact on wildlife and birds
- The loss of trees and noise and light pollution will adversely affect bats. The habitat is visited by birds of prey, pheasants and hedgehogs.
- Concern about loss of grazing land and nesting places for birds.
- Bats, other mammals and birds use the hedgerow and trees for nesting roosting and commuting. The removal would have a serious detrimental affect on local wildlife.
- Removal of the tree border to the north will cause dissemination of the established biodiversity.
- The land supports is a logical extension of the green network that allows movement of wildlife, this will be destroyed.
- Concern Parcel 1 of the net gain proposals may come forward for residential development. Concern Parcel 2 should have been adequately managed anyway.

Other Issues

- Concern the drainage system is at near full capacity. Run off was observed on the site during storm Ciara in February. Concern about loss of a flood area.
- Concern the view and privacy of existing dwellings will be adversely affected, including the bungalow to the south.
- Concern about overshadowing, overlooking and loss of outlook to the school and the impact from construction and noise. Concern the playground will be enclosed on 3 sides by buildings.
- Hartshead J & I School is over subscribed, the School are currently self funding an external library and extra room.
- Concern about carbon emissions.
- Concern the proposal does not include a mix of homes.
- Concern about strain on the sub station
- Concern some house types show a 'robe' room which could be converted into an additional bedroom.

Councillor Comments:

Councillor Grainger-Mead:

“I really think sites like this need to also be providing visitor parking. I see so many new estates that have cars all over the place. If developers could provide extra parking spaces at the outset, it makes for a much better street scene.”

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 Highway Services – No objections were raised, subject to conditions. Following an initial consultation response, the applicant submitted further information which dealt with the several queries of HDM. Following this, HDM considered the application acceptable from a highways prospective, subject to the inclusion of conditions relating to: areas to be surfaced and drained, visibility splays to be provided, details of junction of new estate road, a method of storage/access for waste, and conditions relating to construction and design of associated physical structures.

K.C Lead Local Flood Authority – Awaiting final comments; an update will be reported to Members.

Yorkshire Water – No objections were raised, subject to conditions designed to protect the local aquatic environment and Yorkshire Water infrastructure.

8.2 Non-statutory:

K.C Environmental Services – No objections, subject to conditions relating to a noise assessment report and mitigation scheme, contaminated land, electric vehicle charging points, and construction site working times.

K.C Ecologist – No objections. In summary the proposals will provide units of higher value grassland habitat and scrub planting (as part of a woodland) than the habitats being lost from the site. The Council’s ecologist is satisfied that the proposals, both on-site and off-site will provide sufficient units to achieve a 10% net gain. Subject to a condition and Section 106 agreement to secure these proposals, ecological issues are addressed.

- **West Yorkshire Police** – No objections. Initially some concerns were raised. However, following some design changes and the receipt of updated plans, showing the gates to the gardens of Plots 9 and 12 being lockable, timber garden fencing being 1.8m in height, and an additional gate and fencing along the gable of Plot 10, the proposed layout was formally approved by the Designing Out Crime team.

K.C Landscape – No objections, subject to a contribution for off-site public open space at Hartshead recreation ground of £24,501. The reasons for this were that a development of over 11 dwellings triggers the requirement for

greenspace and a Local Area of Play (LAP). There is no public open space to be provided on site. However, the location of Hartshead recreation ground is very close to the application site.

K.C Strategic Housing – An affordable housing contribution is required of 2 social or affordable rented dwellings and 1 intermediate dwelling. This is because the Council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. On-site provision (housing) is preferred. However, where the Council considers it appropriate, a financial contribution to be paid in lieu of on-site provision is acceptable.

9.0 MAIN ISSUES

- Principle of development
- Highway Issues
- Layout and Urban design issues
- Residential amenity
- Ecological Issues
- Drainage issues
- Other Matters
- Planning obligations
- Representations

10.0 APPRAISAL

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 comprises a housing allocation in the Kirklees Local Plan ref HS112 to which full weight can be given. Concerns have been raised in the representations received about the allocation of the site and the need for housing in this area. 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. The site is not designated as Urban Green Space or Local Green Space in the Local Plan but is greenfield land currently in use for horse grazing.
- 10.4 The 13 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.

- 10.5 The application site is a sustainable location for a residential development as it is relatively accessible within an existing settlement served by public transport. Hartshead benefits from a Junior and Infant school, and recreation ground, and is located approximately 1km to the west of the local centre of Robberttown. The proposal for a residential development of 13 dwellings would amount to sustainable development and the principle of development is considered acceptable.

Highway Safety Issues

- 10.6 Access to the site is proposed directly from Peep Green Road which is a two way single carriageway road with street lighting present and a posted speed limit of 30 mph. Policy LP21 of the Kirklees Local Plan states proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 10.7 A significant amount of concern has been raised in the representations received about the impact of the proposed development on highway safety. The concerns raised are précised in the representations section, and include concerns about the location of the proposed new access, taking into account the topography of the area and a bend in the road, proximity to a cross roads and to existing bus stops. Concerns are also raised that vehicles regularly speed through the village and that a pedestrian crossing would not address safety concerns. Concerns are also raised about the amount of parking allocated and possible overspill onto Peep Green Road, and that the speed survey data is inadequate, covers too short a period and is unrepresentative of normal traffic conditions.
- 10.8 Highways Development Management (HDM) initially requested additional information to make an informed assessment. This included details of the proposed visibility splay onto Peep Green Road and associated speed surveys, details of a pedestrian dropped crossing, gradients and drainage, refuse storage and collection, justification for the level of off-street parking, and an independent stage 1 safety audit and designer's response on the internal layout and site access arrangements.
- 10.9 The applicant has submitted a revised layout plan showing the visibility splays which would be achieved, accompanying speed surveys, a Stage 1 Road Safety Audit and vehicle tracking for a refuse vehicle. Visibility splays of 2.4m x 45m will be achieved to the north of the access, and 2.4 x 43m to the south. A pedestrian crossing is proposed at the junction of the entrance with Peep Green Road, and one to the south, and a SLOW road marking to the north of the access. Two visitor parking spaces are proposed near the entrance to the site.
- 10.10 HDM consider the additional information deals with all their previous queries and raise no objections subject to the inclusion of appropriate conditions. It is considered there would be no detrimental impact on highway safety and the proposal would accord with Policy LP21 of the Kirklees Local Plan.

Layout and Urban Design issues

- 10.11 The application site is in use for grazing and adjoins undeveloped green belt land to the north, and existing development along Peep Green Road and School Lane. Policy LP24 of the Kirklees Local Plan states proposals should ensure the form scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Concerns are raised in the representations received that the proposal would be out of keeping with the village and the density is too high.
- 10.12 In respect of the proposed density of development, the indicative capacity in the Kirklees Local Plan for this housing allocation is 15 dwellings. The application as initially submitted proposed 10 dwellings, which would have failed to meet housing delivery targets of the Local Plan. Consequently, the application was re-submitted proposing 13 dwellings. Taking into account the site constraints; in respect of existing neighbouring residential properties adjoining the site and the requirement to provide appropriate distances, a proposal for 13 dwellings is on balance considered to represent a suitable response to the site. Concerns have been raised in the representations received that the proposed density is too high, however fewer numbers would jeopardise Local Plan housing delivery.
- 10.13 Existing properties within Hartshead comprise a mix of detached, semi-detached and terraced properties, two storey and single storey properties, with the predominate building material being natural stone. The proposed development proposes 2no 2 bed properties and 11no 3 bed properties. The scale of the dwellings include both two storey and three storey properties, however the proposed second floors in the three storey properties would be wholly within the roof space and lit by a rooflight, thus giving the appearance of two storey properties. The proposed construction materials are natural stone and stone slates and it is considered their design, scale and fenestration detailing, and the stepping down of the ridge to respond to the topography of the site would preserve the visual amenity of the surrounding area.
- 10.14 The layout has taken account of comments made by the West Yorkshire Police Designing Out Crime officer who raises no objections to the scheme.
- 10.15 The proposed landscaping works includes the provision of a vegetated wall and the retention of the tree screen to the northern boundary of the site and some additional tree planting within the site. Full landscaping details would be secured by a landscaping condition, and ecological matters are discussed in detail later in the report.
- 10.16 A development of over 11 dwellings triggers the requirement for greenspace and a Local area of play (LAP). In this case, no public open space is proposed on-site, however Hartshead Recreation Ground is within the accessibility distance of the site, and an off-site contribution is considered appropriate.
- 10.17 Overall it is considered the proposed layout of the scheme, scale and appearance of the proposed dwellings, and proposed landscaping works would preserve the visual amenity of the surrounding area and accord with Policy LP24 of the Kirklees Local Plan.

Residential Amenity Issues

- 10.18 Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers. The nearest neighbouring residential properties to the site which have the potential to be affected by the development include No.88 and No.90 Peep Green Road, No.102 Peep Green Road, and Nos. 64-72 School Lane. Hartshead Junior & Infant school also shares a boundary with the application site. Concerns have been raised in the representations received that the view and privacy of existing dwellings will be adversely affected, and concerns have been raised about overshadowing, overlooking and loss of outlook to the school.
- 10.19 In respect of the impact on No.88 and No.90 Peep Green Road, Plots 1-3 would front directly onto No.90 Peep Green Road. There would be a distance of over 21 metres to these neighbouring properties and due to this distance which would be achieved it is not considered there would be any detrimental overlooking impact. The proposed dwellings are two and three storeys in height, however the second floors are proposed to be wholly within the roof space and lit by rooflights. Taking into the proposed height of the properties and the intervening road it is not considered there would be any detrimental overshadowing impact
- 10.20 In respect of the impact on No.102 Peep Green Road, there would be no direct relationship with the nearest plot (Plot 7) and there would be no detrimental overlooking or overbearing impact.
- 10.21 In respect of the impact on No.72 School Lane, this is a bungalow property with attached garage located to the south of the application site. The distances which would be achieved from plots 8-10 in the south-eastern corner of the site to the rear elevation of this neighbouring property (not including the attached garage) are approximately 18 metres from the rear elevation of plot 8, 22 metres from the rear elevation of plot 9 and 23 metres from the rear elevation of plot 10. The topography of the site means a level difference is unavoidable, however taking into account the distances which would be achieved, it is considered there would not be any undue detrimental overlooking or overbearing impact. There would be a distance of approximately 10 metres at the closest point from the side elevation of plot 7 to the curtilage boundary of No.72 School Lane. Plot 7 proposes a ground floor lounge/dining room window on the side elevation, however it is considered appropriate screening at the boundary would prevent any detrimental overlooking of the private amenity space of this neighbouring property.
- 10.22 In respect of the impact on No.70 School Lane, this is an end terrace two storey property to the east of the application site which is sited perpendicular to School Lane. This property has a conservatory extension which overlooks the site, and this extension has been taken into consideration in the design of the layout. The layout has been designed to allow views through the site from the conservatory by siting plots 8-13 either side of this conservatory with landscaped front gardens and off-street parking provision. The positioning of the plots will avoid any detrimental overlooking or overbearing impact.

- 10.23 In respect of the proximity to Hartshead Junior & Infant School, plots 11-13 would be sited directly to the east of the shared boundary. No openings are proposed on the gable of Plot 11 and there would be no overlooking of the school grounds and building. Environmental Services have raised concerns that noise from the school may affect future occupants of these nearest plots and recommend a condition to secure a noise assessment report and mitigation scheme. Subject to the inclusion of a condition, noise issues can be addressed.
- 10.24 Overall, it is considered the proposed layout and the scale and design of the development will protect the amenity of existing neighbouring properties adjacent to the site, and also provide appropriate distances within the site, in accordance with Policy LP24 of the Kirklees Local Plan.

Ecology Issues/Landscape issues

- 10.25 This is a green field site and ecological information was requested to support the application. Concerns are raised in the representations received regarding the loss of grazing land and the impact on wildlife including birds, mammals and protected species. Due to the nature of the habitats present, the Council's ecologist considers the potential for significant ecological harm is limited and can be easily mitigated.
- 10.26 The proposals are however required to demonstrate a measurable biodiversity net gain in line with the requirements of the NPPF. The application is now supported by a Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment. There is some mitigation proposed on site in the form of retaining a tree screen, provision of a vegetated wall and sparrow and bat boxes, however these interventions fall short of the requirement. The supporting information has confirmed the proposal would result in a measured shortfall of c.2.16 biodiversity units.
- 10.27 The applicant has carried out a review of other land within their control in the vicinity of the site and has identified opportunities to deliver gains for biodiversity. The proposal involves two parcels of land, both in the same ownership with good access for management operations. The first parcel is a small area of arable land immediately north of the site which will provide grazing for 3 small horses once they move from the site. The second parcel is an area of plantation woodland 1km north west of the Site.
- 10.28 Parcel 1 is an area of intensively managed arable land under cultivation of oats. It is proposed to plant a new hedgerow to separate the new pasture from arable land to its north. This will comprise of a minimum of 3 native and local species. The frontage hedgerow to Peep Green Road will be restored / replanted with similar species. Stockproof fencing will be installed within the hedgerow boundaries. Nutrient levels within the field will be reduced through use of sacrificial cropping or sub-soil ploughing - to create a lower nutrient seed bed. Soil will be tested, allowing a suitable seed mix to be identified and applied to the field. After an initial establishment period the field will be managed through a combination of low intensity grazing, cutting (with crop taken) and targeted control of problem species. Regular monitoring will be in place to demonstrate compliance and provide feedback on management. Remedial measures will be put in place as required to meet the desired habitat and condition. Target habitat is 'Other Grassland' g3c at Moderate Condition.

- 10.29 Parcel 2 is an area of woodland planted approximately 15 years ago. The proposal is to move from a crowded plantation to a more functioning woodland habitat. Targeted thinning of the woodland will provide space for retained trees to achieve a natural form and allow light to lower levels encouraging more layers of woodland vegetation. Planting of scrub and understorey species will take place along the edges of the plantation and in thinned areas. Seeding of ground flora species will take place into bare ground resulting from thinning operations. Management will take the form of on-going small-scale thinning and the control of any problem species. Regular monitoring will be in place to demonstrate compliance and provide feedback on management. Remedial measures will be put in place as required to meet the desired habitat and condition. Target habitat is 'Other Woodland' with a Fairly Poor Condition.
- 10.30 In summary the proposals will provide units of higher value grassland habitat and scrub planting (as part of a woodland) than the habitats being lost from the site. The Council's ecologist is satisfied that the proposals, both on-site and off-site will provide sufficient units to achieve a 10% net gain. Subject to a condition and Section 106 agreement to secure these proposals, ecological issues are addressed. Concerns have been raised in the representations received that Parcel 1 of the net gain proposals may come forward in the future for residential development and that Parcel 2 should have been adequately managed anyway. In response to this, Parcel 1 is located within the Green Belt in the Local Plan where residential development is inappropriate development, and in any case the ecology works will be secured by conditions and a Section 106 agreement. The proposals to Parcel 2 will provide a higher value habitat and is considered to be acceptable.

Drainage issues

- 10.31 The proposed development site is located within Flood Zone 1, according to the Environment Agency's Flood map for planning and the surface water flood risk on site is classed as very low. Kirklees Lead Local Flood Authority (LLFA) hold records of flooding to properties located south east of the site - flooding to driveways and the carriageway. Concerns have been raised in the representations received that the existing system is at near full capacity.
- 10.32 The proposed development site slopes from approximately 140m AOD in the north east corner to approximately 132mAOD in the south west corner. There are several watercourses located in proximity to the site, and there are separate foul and surface water sewers located alongside Peep Green Road and along School Lane. The surface water sewer discharges into the open section of the watercourse located south/south east of the development.
- 10.33 The applicant has undertaken testing which has confirmed infiltration is not suitable. They intend to discharge surface water into the public sewer at a rate of 3.5l/s as shown in the Engineering Feasibility drawing.
- 10.34 Yorkshire Water has no objection to the proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 3.5 litres/second and to the proposed points of discharge of foul and surface water to the respective public sewers.

- 10.35 Kirklees Lead Local Flood Authority do not object to the principle of discharging surface water at a restricted rate into an existing public surface water sewer as shown on the Engineering Feasibility drawing. They have previously objected to the detail, as two discharge rates were previously shown, 3.5l/s and 3/6l/s, and requested supporting calculations. The rate is confirmed to be 3.5 l/s and final comments are awaited from the LLFA about the acceptability of the proposed rate of discharge.
- 10.36 The engineering drawing shows the location and size of the proposed attenuation tank located in the southern part of the site to provide 70m³ of attenuation for storm events up to 1 in 100 years plus 30% climate change. Final comments are awaited from the Lead Local Flood Authority and this will be reported to Members in the update.

Other Matters

Contaminated Land

- 10.37 Environmental Services have reviewed the Phase I Contaminated Land Report and agreed with the general findings. They raise no objections subject to a condition to secure a Phase 2 Intrusive Site Investigation Report. Contaminated Land matters can be addressed by condition.

Climate Change

- 10.38 On 12th November 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.
- 10.39 The proposal to erect thirteen new dwellings would generate significant carbon emissions. However, this is a small scale major development site and measures to encourage electric vehicle use by providing electric vehicle re-charging points will be conditioned, which will assist in helping the climate change emergency.

Planning obligations

- 10.40 The following planning obligations are required:

Affordable Housing: The Council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. For this development 3 units are sought. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing. Therefore 2 social or affordable rented dwellings and 1 intermediate dwelling are required. These are shown as plots 6, 11 and 12.

Public Open Space – A development of over 11 dwellings triggers the requirement for greenspace and a Local area of play (LAP). Given there is no public open space on site, and Hartshead Recreation is in close proximity, an off-site lump sum is required of £24,501.

Biodiversity Net Gain – In addition to the more limited on site proposals, the scheme will provide two units off-site; higher value grassland habitat and scrub planting. The Council's ecologist is satisfied that the proposals, both on-site and off-site will provide sufficient units to achieve a 10% net gain.

10.41 The above obligations can be secured by a Section 106 agreement.

Representations

10.42 A total of 92 representations have been received comprising 1 letter of support and 91 objections. Matters raised regarding the principle of development, highway safety, ecology and visual amenity are assessed in the relevant sections above. In so far as the comments raised have not been addressed above:

- The proposal does not reflect the needs of the village.
Response: The proposal will provide on-site affordable housing which will be continued to meeting local housing needs.
- Hartshead J & I School is over subscribed, the School are currently self funding an external library and extra room.
Response: The size of the development does not trigger an education contribution.
- Concern about carbon emissions.
Response: Measures to encourage electric vehicle use by providing electric vehicle re-charging points will be conditioned, which will assist in helping the climate change emergency.
- Concern the proposal does not include a mix of homes.
Response: The proposal as amended for 13 dwellings proposes a mix of three bed and two bed properties, and as mentioned will provide three on-site affordable units.
- Concern about strain on the sub-station
Response: This is not a material planning consideration.
- Concern some house types show a 'robe' room which could be converted into an additional bedroom.
Response: Bed 1 in house types E and D have a walk-in wardrobe. This a typical feature in a modern house type and it is not considered it could be easily converted into a further bedroom of a reasonable size which would impact on the number of bedrooms and therefore the amount of off-site parking required to serve the dwellings.

10.43 Councillor Comments:

Councillor Grainger-Mead has referred to the need to provide visitor parking spaces to make for a better street scene. In this case, for clarification, the development will provide three visitor parking spaces. Highways DM raise no objection in this regard.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS112, 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), topography, 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. Areas to be surfaced and drained in accordance with details to be approved
4. Visibility splays to be provided
5. Scheme of the junction and associated highway works
6. Scheme of proposed internal adoptable estate roads
7. Details of storage/access for waste
8. Scheme of retaining walls adjacent to adoptable highway
9. Scheme detailing surface water attenuation in highway footprint.
10. Noise Assessment report and mitigation scheme
11. Phase 2 Intrusive Site Investigation Report
12. Remediation Strategy
13. Implementation of Remediation Strategy
14. Validation Report
15. Electric Vehicle Charging Points
16. External Materials

17. Boundary treatments
18. Landscaping Details
19. Biodiversity enhancement, net gain and Ecological Design Strategy
20. Temporary surface water drainage
21. Drainage conditions
22. Removal of permitted development rights

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92670>

Certificate of Ownership –Certificate A signed