
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Apr-2021

Subject: Planning Application 2020/92368 Erection of 14 dwellings with garages and formation of new access road Land south of, Leeds Road, Mirfield, WF14 0JE

APPLICANT

Ben Manning, Manning
Properties Ltd

DATE VALID

06-Aug-2020

TARGET DATE

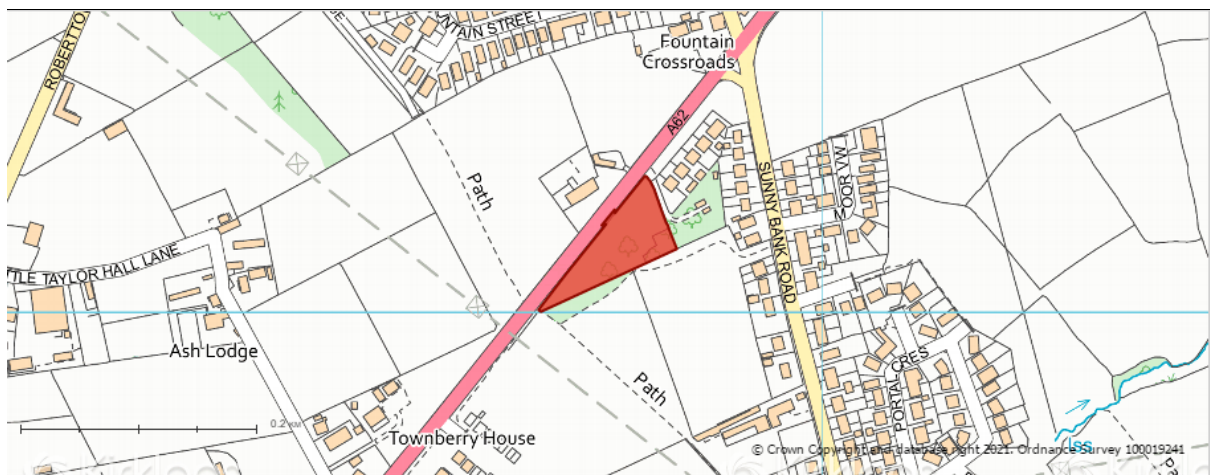
05-Nov-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield

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 – 3 units (20%), each as discounted market sales housing.**
- 2. Open Space (offsite) – £21,753 contribution to off-site enhancements to local open space, to address shortfalls in specified open space typologies on site.**
- 3. Ecology – £40,020 contribution towards off-site measures to achieve biodiversity net gain;**
- 4. Management and maintenance (Drainage and on-site POS) – The establishment of management and maintenance arrangements 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 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 application seeks full planning permission for a residential development of 14 dwellings.**
- 1.2 The application is brought to committee at the request of Councillor Martyn Bolt due to concerns over highway safety, impact upon a nearby business, and drainage.**
- 1.3 The Chair of Sub-Committee confirmed that Cllr Bolt’s reason for making this request is valid, having regard to the Councillors’ Protocol for Planning Committees.**

2.0 SITE AND SURROUNDINGS

- 2.1 The site is triangular in shape and has an area of 0.45ha. It is in a natural state, with grass and low-level vegetation throughout and trees lining the boundaries and scattered within the site.
- 2.2 Along the north boundary is Leeds Road: opposite the site and across Leeds Road is a commercial garage. To the east are residential properties and a smaller vacant area of land in a similar state to the application site. Together, the application site and the east vacant land make housing allocation HS67. To the south and south-west west are open fields which have received planning permission for residential development (commenced, ongoing at the time of writing), with commercial development beyond. The site is on the north edge of Mirfield and is to the south of Liversedge and Heckmondwike.
- 2.3 None of the site's trees currently benefit from Tree Preservation Orders (TPOs). The site is within Flood Zone 1 and a Development Low Risk Area as defined by the Coal Authority. PROW MIR/1/10 is adjacent to the south-western tip of the site.

3.0 PROPOSAL

- 3.1 The application seeks full permission for the erection of 14 dwellings, some with garages, and the formation of new access road.
- 3.2 The dwellings comprise 4 x 3-bed units and 10 x 4-bed units. All units are to be semi-detached and are two storeys. Those adjacent to Leeds Road have hipped roofs, while those within the site have pitched roofs. All 4-bed units have a detached single garage, with the exception of plot 14 which has a shed. 3-bed units would have two off-road parking spaces, while 4-bed units would have three (note: the plan shows plot 14, a 4-bed unit, with two parking spaces; notwithstanding this, the driveway's length is sufficient for three).
- 3.3 A single new access is to be formed from Leeds Road, turning into a central access road running through the site's centre from east to west. The 4-bed units would be arrayed along the south of the new road and would front onto it. The 3-bed units would be to the north of the new road and would be accessed from it, however they would front onto Leeds Road.
- 3.4 Many of the trees along the frontage to Leeds Road are to be retained, although some would be removed. A 1m high railing is to be erected along the majority of the boundary with Leeds Road, to be supplemented by hedgerow. The portion of the frontage that is the rear garden of plot 14 would be a 2m high brick and timber screen (1m brick with 1m timber above). Boundary treatments within the site elsewhere are to be 2m high timber fencing. The site's levels currently slope down from Leeds Road. The land is to be made level through retaining walls (via gabion baskets) along the south boundary. These are to vary in height from 4m (west edge) to 1m (east edge).
- 3.5 An area of Public Open Space (169sqm) is to be sited to the west of the entrance and adjacent to Leeds Road: the surface water attenuation tank would be sited beneath this area. The development's two visitor parking spaces would be sited alongside this POS.

3.6 Three 3-bed units have been proposed as affordable housing (representing 20% of proposed units).

3.7 The submitted plans have demonstrated that the remainder of the housing allocation (HS67), the land to the east, may be accessed through this site as/when required.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

None

4.2 Surrounding Area

rear of 183, Sunny Bank Road (field to the east)

2011/91056: Outline application for erection of two dwellings – Refused

2012/91433: Outline application for erection of one dwelling – Refused

Sunnymead, 113 Leeds Road

2016/90840: Demolition of existing dwelling and outbuildings and erection of detached dwelling, detached garage, and detached outbuilding ancillary to 113 Leeds Road, Mirfield, WF14 0DJ – Conditional Full Permission

Land at Slipper Lane (to the site's south)

2014/90688: Outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 Outline Permission

2018/90802: Removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential) (Road Safety Audits) and 30 (Industrial) (Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 Variation Approved

2018/93622: Reserved matters application pursuant to permission no 2018/90802 for removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential- Road Safety Audits) and 30 (Industrial-Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots – Approval of Reserved Matters

2019/90756: Variation of condition 2. (plans and specifications) on previous permission no. 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 Variation Approved

2019/94152: Reserved matters application pursuant to application no 2018/90802 for development of 16,723sq metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 – Approval of Reserved Matters

None: Numerous DOCs associated with the above applications have been applied for but are not directly relevant in themselves.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The application was initially submitted for 12 dwellinghouses. Officers objected to this number of units as it was well below LP7's target density and the layout was considered an inefficient use of land. This led to the proposal being amended to 14 units.

5.2 Beyond the quantum of development, negotiations on numerous aspects of the proposal have taken place. These include securing access and evidence of appropriate possible drainage to the remainder of the allocation, improved access arrangements, the provision of a cycle track along the frontage, the provision of on-site public open space and on matters of design. The applicant has worked positively with officers, resulting in an application assessed as being compliant with policy.

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).

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

6.2 The application site is part of land allocated for residential development in the Local Plan (site allocation ref: HS67). The site allocation HS67 has an indicative housing capacity of 22 dwellings. To the immediate south of the site is a Mixed-Use allocation (MXS6).

6.3 Local Plan policies relevant to the application are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Master planning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking

- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

6.5 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation, but have not been adopted.

National Planning Guidance

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

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

6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

- 6.9 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.10 On the 12th of 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 predates 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices around the site and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 Following the amendment to the scheme's description, the application was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.3 The final public representation period for the application expired on the 30th of November 2020. Eight representations were received in total, five within the original publicity period and three in the second. One of the representations received was in support of the proposal, with the others objecting. The following is a summary of the comments made:
- The site was previously used as a tip for many years, including asbestos.
 - Concerns that the proposal would lead to increased flooding in the area.
 - Objection to the location of the access point, due to perceived conflicts with the opposing commercial garage's access / egress points. The commercial garage opposite is accessed via HGVs and other large vehicles.
 - Questions whether the proposed development would lead to residents parking on Leeds Road.
 - Leeds Road has slow moving traffic which leads to air pollution. The road and adjacent business are noise pollutants.

- Object to the loss of green space in Mirfield, whereas there are available brownfield sites.
- Questions whether this site could be accessed via the adjacent ongoing development by Taylor Wimpy.
- Concerns that the development has increased from 12 to 14 units.
- It is noted that no pre-application consultation event took place.
- A supportive representation has been received contradicting many of the comments in opposition to the proposal. These include claiming the site was not used as a private or public tip, with no asbestos on site following it being cleared of waste in the 70s. Furthermore, it is disputed that the access would conflict with a neighbouring business.

7.4 Responses to the above comments are set out later in this report.

7.5 Later amendments and submissions of information were minor in scope and did not necessitate further public re-consultation
Ward members

7.6 The site is within Mirfield Ward, with local members being notified of the proposal. Councillor Martyn Bolt has expressed concerns over the proposed development, as summarised below:

- Concerns over the highways impact of the proposal, including the access' sightlines, provision of cycle facilities, the impact of mud and construction traffic associated with the construction process, the access's location and its relationship with the adjacent commercial garage, and whether the access could be from the adjacent Taylor Wimpy site.
- Concerns over the proposal's proposed drainage arrangement, which was previously objected to by the Lead Local Flood Authority.
- Querying the suitability of units, specifically affordable dwellings, being adjacent to the highway.
- Concerns over the amount of Public Open Space on site.
- Questioning whether the dwellings comply with the Nationally Designated Space Standards.

Parish Council

7.7 Mirfield Town Council were notified of the proposal. No comments were received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

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

K.C. Lead Local Flood Authority: Expressed initial objections. Provided advice and feedback during negotiations. Based on the final amended plans, no objection subject to conditions.

The Environment Agency: No response received.

Yorkshire Water: Have expressed concerns over the proposed discharge of surface water into a combined public sewer. However, the LLFA are satisfied that higher options on the hierarchy of drainage have been discounted.

8.2 **Non-statutory**

K.C. Conservation and Design: No objection.

K.C. Crime Prevention: Advice provided and shared with the applicant to consider.

K.C. Ecology: Expressed initial concerns but provided advice and feedback. Based on amended plans, no objection subject to condition and securing of an off-site contribution via S106.

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

K.C. Landscape: No objection subject to conditions and securing on and off-site Public Open Space provisions via S106.

K.C. Public Right of Way: No objection, however have requested an advisory note be placed on the decision notice relating to an adjacent PROW.

K.C. Strategic Housing: Provided advice through negotiations on local housing needs. No objection subject to securing the affordable housing proposed via S106.

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

9.0 **MAIN ISSUES**

- Principle of development
- Sustainable development and climate change
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 **APPRAISAL**

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site falls within part of a housing allocation, reference HS67, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS67 is expected to deliver 22 dwellings, with the application proposing 14. However, as noted, the application's red-line boundary does not cover all of HS67, excluding 0.2ha of the allocation. This excluded land is to the east of the current application.
- 10.5 The excluded land does not fall within the same ownership as the application site. Considering master-planning principles, as established by LP5, officers would not look to support partial development of a housing allocation which would prevent the future development of the remaining land. To address this the applicant has proposed a road design which allows for a future highway connection into the remainder of the allocation, and has evidenced that there are feasible methods of draining the neighbouring site. Regarding the proposed layout, there are not considered to be any aspects which would prohibit the reasonable development of the remainder of the allocation. Accordingly, in this case, officers are satisfied that the proposal would not prevent the future development of the remaining land of HS67 and does not conflict with the aims and objectives of LP5.
- 10.6 Returning to density, considering just the application site (0.45ha), the proposal has a density of 31 dwellings per ha. However, officers consider the site to have constraints which make seeking the minimum target density of 35 per ha to be inappropriate. These constraints are the shape of the land, being a sharp pointed triangle, and the topography along the south boundary. The layout and density proposed is considered by officers to be reasonable and effective response to the site's constraints, and is not considered in this case to breach the aims of LP7.

- 10.7 LP11 requires consideration of a proposal's housing mixture, which should reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The proposal seeks four 3-bed units and ten 4-bed units, which does not comply with the expectations of the district wide SHMA. Conversely, Strategic Housing's local data identifies a 'significant need' for 3 and 3+ bedroom homes in the Dewsbury and Mirfield area. Accordingly, officers are satisfied with the proposed housing mixture.
- 10.8 The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. While only developing part of the allocation HS67, allowances have been made to ensure the remainder of the allocation remains developable in the future. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

Sustainable development and climate change

- 10.9 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.10 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. At least some, if not all, of the daily, economic, 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.
- 10.11 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). 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 would need to account for climate change.

Urban Design

- 10.12 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

- 10.13 The site is bounded by Leeds Road to the north, which separates it from open fields, with the exception of a commercial garage. Existing residential development is located to the east and new residential development is currently being built to the south. Careful design is therefore needed to respect the established townscape while acknowledging the site's approach to the open environment. The site does have the constraint of difficult topography. While currently natural, the site is not considered to materially contribute to the setting and character of the area.
- 10.14 The proposed layout is considered to be a logical approach to the site's shape, arranged around a simple branching central access road, with dwelling positions reflecting the established urban grain of the surrounding built environment. Each dwelling has the typical layout of front garden, dwelling, and rear garden, with parking mostly to the side.
- 10.15 Plots 1-4 would face directly onto Leeds Road, while having access to the rear. They are noted to step forward of the neighboring dwellings to the north, however different separation distances to main roads are not unusual, and that proposed is not considered unduly small. The western most units, plots 13 and 14, would be tilted to the other units and present a side elevation to Leeds Road. This is a response to the site's triangular, narrowing shape, as any other orientation would give insufficient room for dwellings in this sizable area of the site. Plot 14's driveway separates the side elevation from Leeds Road, maintaining a modest separation distance. Occasional side elevations onto main roads are not without precedent and the arrangement is not considered visually unattractive as proposed.
- 10.16 The layout does not result in any ambiguous outdoor spaces, and enables good natural surveillance to the public realm. An area of clearly defined Public Open Space would be sited to the side of the access onto Leeds Road, forming an open and inviting entranceway. This would be an accessible location, for both future residents and others within the area. It would also aid in softening the site's appearance from Leeds Road, being set to the front of many of the units. The boundary to Leeds Road, with the exception of plot 14's garden space, was proposed as a low brick wall, to mimic that evident to the north, however following ecological input has been amended to railing, with hedgerows and trees retained and/or replanted. This would create an attractive green setting for the site, which would aid the transition from the urban environment to the south, to the open land to the north. Full details of landscaping are to be secured via condition but the indicative details provided at this time are welcomed. Rear gardens are to be divided by timber boundary fencing at 2m, although plot 14's rear garden's boundary to Leeds Road is to be 1m high brick walling with 1m fencing atop. Full details of boundary walling are to be secured via condition.
- 10.17 To address the site's land levels, which at present are varied and include steep falls, a retaining wall of gabion baskets is proposed along the south boundary. This is to vary in height from 1m to 4m at its greatest. The leveling of the site is necessary for vehicle access: other options would be to have split level properties, which is considered less visually preferable on this site. The wall is to the site's rear, with limited views towards it from public vistas. It will separate the site from the rear gardens of dwellings being built on the adjacent site, which will further limit its prominence. To enhance the visual appearance of the gabion baskets, officers are to seek it as a 'green wall', to include natural

elements, via the landscaping strategy condition. Given these considerations, and the proposed condition, officers do not oppose the proposed retaining wall.

- 10.18 Considering the appearance of the proposed dwellings, all units are semi-detached. This is the predominant form of dwellings fronting into Leeds Road in the area and, given the relative low number of units proposed, this monoform is not opposed. The scale and height of the proposed units are appropriate for the site and mimic that of nearby dwellings. Units closest to Leeds Road have hipped roofs, to minimize the massing of development adjacent to the road and adds variation to the site. In terms of architectural features, the proposed dwellings would have a typical modern vernacular with an attractive and reasonably proportioned fenestration arrangement. As a result, the dwellings are considered visually attractive and suitably harmonise with the appearance of dwellings in the area.
- 10.19 The dwellings are to be faced in red-brick. Construction materials in the area are varied, with artificial stone, natural stone, render, and brick being evident. The adjacent residential development units are to be faced in a mixture of red, pale red and buff brick. In this context the proposed red-brick is considered acceptable. For roofing, dark grey concrete tiles are proposed. These likewise mimic the materials of the area. Nonetheless, samples of these materials are to be secured via condition, to ensure suitable end products are utilized.
- 10.20 The above assessment is based on the plans as submitted. Further development of the site, such as, have the potential to appear cramped or visually detrimental. Accordingly, it is considered reasonable and necessary to remove PD rights for outbuilding and extensions on visual amenity grounds.
- 10.21 The proposed works would notably change the character and appearance of the site and wider area. However, as existing, the site is considered to have limited visual amenity value. The proposed development is considered to be sufficiently well designed and it would result in an attractive continuation of the residential environment. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

Residential Amenity

- 10.22 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.
- 10.23 To the north-east of the site is no. 106 Leeds Road; plot 1 would be located to the side and set forward of this dwelling. However, the respective layout and separation distances are not anticipated to lead to any materially detrimental impacts upon no.106's residents, such as overbearing, overshadowing or overlooking.
- 10.24 There are no other existing neighbouring residential properties adjacent to the site's boundary. However, consideration must be given to the adjacent sites; the remainder of the housing allocated HS67 and the residential development ongoing on MXS6 to the south.

- 10.25 Officers are satisfied that the proposed development would not put undue pressure on the development of the remainder of HS67. The unit closest to the shared boundary, no. 5, has a side elevation hosting no habitable room windows facing into the neighbouring land with a driveway separating it from the boundary.
- 10.26 MXS6 is in the process of being developed, with new dwellings approved to be built adjacent to the application site's south boundary, via application 2019/90756 (note, 2019/90756 is a variation of condition to 2014/90688 and approved minor amendments to originally approved layout and unit types along the boundary in question). Plots 122 – 130 of 2019/90756 would have their rear elevations facing the rears of the current application's plots 5 – 12, while plot 121 of 2019/90756 would be to the side of plot 13. Separation distances for units facing each other are considered to be acceptable, being in excess of 28m. However, the application site is to be on a higher ground level, with a gabion retaining wall to be built upon the shared boundary. The gabion wall's height varies, from 4m to 1m, with a 2m fence atop. The wall would be kept separate from the curtilages of 2019/90756's approved dwellings by a 3 – 4m deep hedge / landscaped area and have a typical separation of 17m from facing rear windows. At its maximum 4m height the wall would not be to the rear of a property, but be to the site of the adjacent plot 121. Based on this relationship, officers are satisfied that the proposed retaining wall would not cause harmful overbearing upon future occupiers of the adjacent development. The 2m high fencing would prevent overlooking and the wall would be due north, preventing overshadowing. Nonetheless, officers are to impose conditions requiring further details on the retaining wall to ensure its impact is kept to a minimum. This includes having the new fencing set back from it, to lower the massing, and the submission of management and maintenance details.
- 10.27 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units. Acceptable separation distances are shown between the proposed units. All side facing windows serve non-habitable rooms but are to be secured as obscure glazed via condition.
- 10.28 The site is next to Leeds Road, a busy highway. A noise impact assessment has been submitted to assess the level of noise and propose appropriate noise mitigation measures (for internal and external spaces). This has been reviewed by K.C. Environmental Health, who agree with the findings. The implementation of the noise mitigation measures is to be secured via condition.
- 10.29 Public Open Space of 169sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. However, this falls below the required on-site contribution, calculated in accordance with Local Plan policy LP63 and the methodology set out in the draft Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. However, future residents would have access to the large public open space of the adjacent development on MXS6. Nonetheless, to offset the proposal's shortfall in on-site public open space a contribution of £21,753 would be provided, to be spent on open space improvements in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.

10.30 The sizes (in sqm) of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD.

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
3-bed	4	80	84
4-bed	10	104	97

10.31 The proposed 4-bed units would exceed the NDSS minimums however, as can be seen, the 3-bed units would be below the NDSS by 4sqm (the 3-bed units make up 28% of the proposal). Consideration has been given to whether the units could be increased in size, however this either causes inadequate parking to be provided or resulted in visually unattractive narrow framed units with small garden sizes.

10.32 While the shortfall is noted, at 4sqm it is not considered significant. It should also be noted that the NDSS, although a useful guide, is not adopted planning policy. The floorplan for this unit still indicates that it could deliver adequate living accommodation. It includes downstairs store and w.c. in addition to living, cooking and dining facilities at ground floor, with three adequately sized bedrooms and family bathroom at first floor. It should also be noted that garden sizes are considered commensurate to the scale of their host dwellings (both 3 and 4-bed unit types). All of the proposed houses would benefit from being dual aspect, and would have satisfactory outlook, privacy and natural light. Taking into account that the NDSS is currently guidance, overall, the scheme would deliver a sufficient quality of living accommodation for future residents in accordance with LP24.

10.33 The above assessment has been made on the application as submitted. When completed, dwellings would benefit from permitted development rights for enlargement and/or modification. Notwithstanding the above comments, further development of this site may cause harmful overdevelopment and/or impact occupiers' amenity and that of their neighbours. Accordingly, officers proposed to remove permitted development rights for alterations, extensions and outbuildings. Permitted development rights are also to be removed for new side facing windows.

10.34 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highway

- 10.35 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 would 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.
- 10.36 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 of the NPPF 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.
- 10.37 A new access point is to be formed from Leeds Road. Adequate sightlines within the adopted highway have been demonstrated and are to be secured via condition. Cllr Bolt has raised concerns over the location of the access, due to its proximity to the in / out points of the adjacent commercial garage, and that no dedicated right hand turn area is proposed from Leeds Road into the site.
- 10.38 For a 14 units scheme, typical TRICS data for residential developments predicts 10 two-way vehicle movements in the AM and PM peak periods respectively, split as 7 departures and 3 arrivals in the AM peak and reversed for the PM. If considering HS67's full indicative capacity of 22, all of which would use the proposed access, the site would be expected to generate just 15 two-way movements. This would equate to 10 departures and 5 arrivals in the morning peak and 5 departures and 10 arrivals in the PM peak. Not all arrivals would be via right turn access.
- 10.39 The low volume of traffic associated with the proposed development is not considered by Highways Development Management to justify a dedicated right turn access lane, nor would it cause a conflict with the access and egress of the adjacent garage. Notwithstanding this, the applicant did consider alternative options for an access point. Any meaningful movement of the access resulted in the loss of units and difficult access arrangements. Additionally, Highways DM considered whether a right turn could be implemented; it was concluded that there is insufficient room within the highway to facilitate this. Nonetheless, as noted, due to the low volume of traffic associated with the development, neither of these interventions are required.
- 10.40 In regards to the wider network, the proposed level of traffic attributed to this site may be accommodated onto the highway network without causing harm to highway safety or efficiency. Considering whether there are any 'residual cumulative impacts', the adjacent development approved 166 dwellings and commercial structures: however, it included contributions for several highway

improvement in the local area to mitigate the proposal's own direct impact. The contributions which have reached their respective trigger point have been paid, with the Highway Authority in the process of technical planning so as to implement the improvement works. Accordingly, the proposed development is concluded to have neither direct or cumulative impacts upon the network's capacity.

- 10.41 The submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. Full technical details of the new access road, to an adoptable standard, are to be sought via condition. Adequate internal turning for local refuse vehicles has been demonstrated (considered further below).
- 10.42 Considering parking layouts and provision, the 3-bed units would have 2 off-road parking spaces while the 4-bed units would have 3. This provision is in accordance with the recommended standards set out within the Kirklees highway's design guide and is welcomed. The delivery of these parking spaces and their retention (including spaces in garages) may be secured via condition. For visitor parking the highway's design guide seeks 1 per 4 dwellings, which would equate to 4 (rounded up) for the proposed 14 dwellings. The proposal has 2 dedicated visitor parking spaces. While a shortfall over the recommended standards, officers and highways development management are satisfied that the proposed street could accommodate two on-street vehicles without causing difficulties for residents or larger vehicles accessing the site.
- 10.43 LP20 relates to sustainable travel and sets out an expectation for applications to support alternative methods of travel to private vehicle. A hierarchy of pedestrians, cyclists, public transport and then private vehicles is set out. For walking, the site is within the urban environment. It is 350m from the nearest local convenience shop and 800m of three local centres identified by the Local Plan. For cycling, the application proposes to provide a 3m wide cycle / walkway along the site's frontage. This would connect to and continue on a similar planned route along the frontage of the neighbouring commercial and residential development. The provision of this may be secured via condition. Furthermore, a condition for the provision of secure cycle storage facilities per dwelling is proposed, to further enhance the attractiveness of cycling. Progressing to public transport, the site is within walking distance of bus stops on Sunny Bank Road and Roberttown Lane which offer services to Leeds, Huddersfield and other nearby towns / villages. Considering these circumstances, officers are satisfied that the proposal supports the set-out hierarchy of transport and complies with the aims and objectives of LP20 of the Local Plan.
- 10.44 Public Right of Way MIR/1/10 runs adjacent to the site's west boundary. The K.C. PROW team offer no object to the proposal, which is not envisioned to impact upon the use and amenity value of the PROW. However, a note has been requested outlining that the PROW should not be closed, blocked or otherwise interfered with during the development process. This is considered reasonable.

- 10.45 Given the scale and nature of the development officers would seek a Construction Management Plan via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.
- 10.46 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Waste collection

- 10.47 A turning head would be provided within the site, which has been demonstrated to be able to accommodate a refuse vehicle.
- 10.48 All units are shown to have a dedicated storage space for up to three bins in an accessible location in their rear garden spaces, which is welcomed and may be secured via condition.
- 10.49 Dedicated bin collection points are not provided. However, each dwelling has a driveway and/or path onto the highway where bins could be placed on collection day. As there is evidently sufficient space for waste collection, officers are satisfied that bins may be presented on the paths, off the public highway, on collection day, with minor inconvenience for occupiers without bins blocking either the road or pavement.
- 10.50 The proposed development is considered to have acceptable refuse storage and collection arrangements, which can be managed without harming the safe and efficient operation of the highway, in accordance with LP21(f).

Flood Risk and Drainage

- 10.51 Assessing flood risk, the site is within flood zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low risk). The application is supported by a Flood Risk Assessment, which concludes the site does not suffer from flood risk subject to appropriate foul and surface water drainage (considered below). This has been reviewed by the Lead Local Flood Authority (LLFA), who concur with its findings. Surface water flood routing has been considered by the LLFA and is concluded to be acceptable. Accordingly, there are no flood risk concerns.
- 10.52 Considering the proposed drainage, foul drainage would be via the main sewer. This has not been opposed by Yorkshire Water and is considered acceptable. Surface water, sustainable drainage systems of infiltration techniques are considered to be unsuitable on this site, which the LLFA concur with. The applicant has followed the hierarchy of drainage before reaching the

proposed discharge into public combined sewer solution. Technical details, including discharge rate and attenuation size, are supported by the LLFA. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.

- 10.53 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.54 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Planning obligations

- 10.55 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.56 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this proposal, a 20% contribution would be 3 units, to be of sizes which local need and would contribute towards a balanced and sustainable development.
- 10.57 The applicant has offered 3 units, which is welcomed. The offered units are each 3-bed. K.C. Strategic Housing has identified a significant need for affordable 3 and 3+ bedroom homes in the area. On this basis, officers consider all the units being 3-bed to be acceptable and address identified local needs.
- 10.58 In terms of tenure, the Interim Affordable Housing Policy sets an expectation of affordable units to be split 55% affordable rent and 45% intermediate tenure. However, the applicant is proposing all units as 'discounted market sales housing' (requiring the dwellings to be sold at a discount of at least 20% below local market value). Given the scale of the overall development, having only a single or pair of social homes is not ideal for housing associations or similar groups to manage. Conversely, Strategic Housing have identified the Dewsbury and Mirfield area as having a low rate of home ownership (under 65%). Given these circumstances, three units of discount market sales housing is considered an appropriate form of affordable housing provision, considering local circumstances.

- 10.59 LP11 requires that market homes be indistinguishable from market housing in terms of achieving the same high quality of design. It is also considered good practise to 'pepper-pot' them around a site. Given the layout of the site, having the 3-bed units together, and the overall small number of dwellings, the spreading out of affordable housing has not been possible. Due to the circumstances of the development, and the specific desire for affordable 3-bed units, this is not opposed by officers. It is acknowledged that the 3-bed units fall below the recommended minimum floor spaces of NDSS. However, for the reasons given in paragraph 10.32 of this report, the minor shortfall is not considered materially detrimental to resident's amenity. The visual appearance, parking provision and garden space remain to the same standard as the proposed open market units. Accordingly, officers are satisfied that the proposed units are the same high quality of design as the other units on site.
- 10.60 Based on the above, officers consider the proposed affordable housing offer to be acceptable, in accordance with LP11 and Council's Interim Affordable Housing Policy. The affordable housing is to be secured via condition.

Public Open Space

- 10.61 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide or contribute towards new open space or the improvement of existing provision in the area. Based on the scale of the development 1344.28sqm of on-site Public Open Space is needed for the proposal, an off-site contribution of £22,943, or a mixture of the two.
- 10.62 The provision of 169sqm of on-site Public Open Space (Amenity Green Space) is welcomed, with that proposed being an appropriate layout and logical use of the site's available land. The provision, management, and maintenance of this on-site POS is to be secured via S106. An off-site contribution of £21,753 is required to off-set the shortfall, also to be secured via S106. With these secured via S106, the proposal is deemed to comply with LP63.

Education

- 10.63 Applications proposing over 25 dwellings require consideration as whether education contributions are required. The proposed development falls below this trigger. From a master planning perspective, the allocation's indicative capacity of 22 also falls below this threshold. Accordingly, education contributions are not sought on this proposal.

Management and maintenance

- 10.64 In addition to the contributions required, officers are to seek clauses requiring the appropriate management and maintenance of the site's drainage infrastructure prior to adoption by Local Ward. Another management and maintenance clause are proposed for the on-site public open space (as previously detailed).

Other Matters

Air quality

- 10.65 K.C. Environmental Health raised concerns that the site was in close proximity (within 20m) to Leeds Road, which is considered a potential source of poor air quality due to the volume of traffic it hosts. Therefore, the applicant was requested to provide an Air Quality Impact Assessment. This was submitted and reviewed by Environmental Health, who are satisfied with the conclusion that the site would not be subject to poor air quality. This is because it has been demonstrated air pollutant levels are well below the national air quality objectives and the traffic associated with the development itself is not predicted to have a significant impact on local air quality.
- 10.66 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.67 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contamination

- 10.68 Due to the scale of the proposed development appropriate contaminated land site investigations, and any necessary mitigation, are recommended via condition by K.C. Environmental Health. In the interest of the safety of future end users, Officers concur with this assessment, to comply with LP53 if the KLP.

Crime Mitigation

- 10.69 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24(e)

Trees and Ecology

- 10.70 There are numerous trees within and around the site, although none benefit from Tree Preservation Orders, either within the site or on neighbouring land. Nonetheless LP33 establishes a principle against the loss of trees of significant amenity value. The proposal would necessitate the removal of numerous trees from within the site and on its boundary. However, none of these trees are considered to be of significant amenity value, being poor quality and not enhancing the character of the area. Their loss could be

adequately mitigated against through appropriate re-planting, to be secured within a detailed landscape scheme via condition. The retention of those shown to be kept on plan is to be secured via a condition for an arboricultural method statement, to ensure they are protected and kept during the development process. Subject to this, the proposal is considered to comply with LP33 of the Local Plan.

- 10.71 The application is supported by an Ecological Impact Assessment (EclA). It concludes that the site has high ecological value, although it does not host either bats or other protected species. However, it makes numerous recommendations to ensure the impact upon local ecology is minimised. This includes the retention of trees and hedgerow, with replacement planting, to provide habitat for bats. A lighting strategy is to be secured via condition to ensure the site remains suitable for local bat populations. Measures are also proposed to mitigation low potential impacts upon newts, hedgehogs and badgers in the area. These measures have been reviewed by K.C. Ecology, who concur with the findings, subject to all recommendations being secured via condition.
- 10.72 Japanese knotweed, an invasive non-native species has been identified on site. A condition is to be imposed requiring a protocol be submitted and implemented, detailing the containment, control and removal of the plant, in the interest of preventing further propagation and harm to local ecology
- 10.73 In addition, a net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net loss of circa 75% ecological units on site but a net gain of 12.56% for hedgerow units. The provision and retention of the hedgerow units is to be secured within the Ecological Design Strategy. For the ecological units, with a desired 10% net gain, this level of ecological unit loss would necessitate an off-site contribution of £40,020, to be spent on enhancements in the local area by the Council. This has been accepted by the applicant, with the agreed figure to be secured within the S106 agreement.
- 10.74 Subject to the proposed conditions and securing the S106, officers are satisfied that the proposal complies with the aims and objectives of LP30 of the Kirklees Local Plan.

Minerals

- 10.75 The application site falls within an area designed as a Mineral Safeguarded Area (Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. The applicant has indicated that it would not be feasible to work these minerals due to the scale of the site, its urban setting, and the proximity of existing dwellings to the east and potentially the south, depending on the neighbouring development's progress.
- 10.76 Officers concur that local constraints would be such that mineral extraction in this location would not be viable. It would not be possible to allow adequate standoff areas to provide an amenity buffer between the existing residential

properties surrounding this site and allow a sufficient area to work the mineral resources. Furthermore, as a housing allocation, there is a clear need for the expedient delivery of the site.

- 10.77 It is therefore considered that the proposal complies with the aims and objectives of LP53 regarding mineral safeguarding issues.

Representations

- 10.78 Eight representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed.

- The site was previously used as a tip for many years, including asbestos.

Response: This claim has not been substantiated. Regardless, a condition is proposed to require full contaminated land site investigation (as is standard practise for all major residential proposals). Should contamination be identified during these investigations, appropriate remediation and validation would be required to be demonstrated: this approach is supported by K.C. Environmental Health.

- Object to the loss of green space in Mirfield, whereas there are available brownfield sites.

Response: The allocation of this site and other Greenfield sites as housing allocations was based upon a rigorous borough-wide assessment of housing and other needs, as well as an analysis of available land and its suitability for housing through the Local Plan examination process. It was found to be an appropriate basis for the planning of the Borough by the Planning Inspector. Whilst the Local Plan strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, within the NPPF, the effective use of land by re-using brownfield land is encouraged but the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.

- Questions whether this site could be accessed via the adjacent ongoing development by Taylor Wimpy.

Response: The adjacent Taylor Wimpy development received original received planning permission for residential development in 2015 (via 2014/90688), prior to the local plan and the application's site allocation as a housing site. Taylor Wimpy's approved layout does not lend itself to accessing the application site, which is also noted to be on a higher ground level. It would be unreasonable to both the application and Taylor Wimpy to enforce such an arrangement.

- Concerns that the development has increased from 12 to 14 units.

Response: The increase was undertaken following planning officers expressing concerns over the low density and perceived breach in policy LP7. While still not achieving the Local Plan's target density of 35 dwellings per ha, as outlined in paragraphs 10.6 of this report, the amended density of 14 units is considered to be acceptable.

- It is noted that no pre-application consultation event took place.

Response: While advisable, pre-application consultation events for developers are not compulsory for developments such as that being considered, by either local or national planning policy.

- A supportive representation has been received contradicting many of the comments in opposition to the proposal. These include claiming the site was not used as a private or public tip, with no asbestos on site following it being cleared of waste in the 70s. Furthermore, it is disputed that the access would conflict with a neighbouring business.

Response: Comments in support are noted.

10.79 Councillor Martyn Bolt also raised concerns and queries relating to the application. These have been addressed within the report.

11.0 CONCLUSION

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

11.2 The proposal seeks residential development on part of a housing allocation HS67. The development does exclude part of HS67, however would allow for the future development of the remainder of the allocation. For the reasons given in this report, officers are satisfied that the proposal represents an efficient and effective development of the housing allocation, with an appropriate density considering the constraints of the site. Therefore, the principle of the proposed residential development is accepted.

11.3 Site constraints including topography, site shape, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. The proposal is considered visually attractive and there would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and trees, have been addressed through the proposal.

11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 3 affordable dwellings, and open space, with circa 169sqm on-site and off-site contributions to enhance local facilities and ecology, in line with policy.

11.5 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, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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. Development to be carried out in accordance with the approved plans and specifications
3. Facing and roofing materials details to be provided.
4. Final site levels to be confirmed and agreed.
5. Landscaping Strategy, to include details of green gabion wall
6. Notwithstanding submitted plans, boundary treatment and retaining walls (gabion baskets) details to be submitted.
7. Gabion baskets management plan
8. Remove PD rights for alterations, extensions and outbuildings on all plots
9. All side facing windows to be obscure glazed
10. Implementation and retention of approved noise mitigation measures.
11. Provision of cycle / walkway improvement details along frontage, and provision arrangements.
12. Technical details of new road to adoptable standard.
13. Parking spaces proposed to be provided and retained, including all garages to be retained for vehicle storage.
14. Provision of bin-storage facilities, as shown on plan.
15. Construction Management Plan (CMP), to detail construction vehicle arrangements and process, to be submitted.
16. Highway condition survey to be undertaken and maintained.
17. Sightline to be provided and secured as shown on plans.
18. Submission of cycle storage details, and implementation.
19. Submission of technical drainage strategy
20. Temporary drainage strategy for during construction period.
21. Provision of Electric Vehicle Charging Points (1 per dwelling)
22. Contaminated Land (Phase 1, Phase 2, Remediation and Validation, as required)
23. Arboricultural Method Statement
24. Removal strategy for invasive knotweed
25. Submission of Ecological Design Strategy, to include securing hedgerow net gain.
26. To be done in accordance with Ecological Impact Assessment's recommendations
27. Submission of lighting strategy for ecological preservation.
28. Note: not to interfere with adjacent PROW.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F92368>

Certificate of Ownership

Certificate A signed.