
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 10-May-2018

Subject: Planning Application 2017/93804 Outline application (all matters reserved other than access) for erection of residential development (within a Conservation Area) Land at, Queens Road West, Milnsbridge, Huddersfield

APPLICANT

D Mosley, DAM Ltd

DATE VALID

21-Nov-2017

TARGET DATE

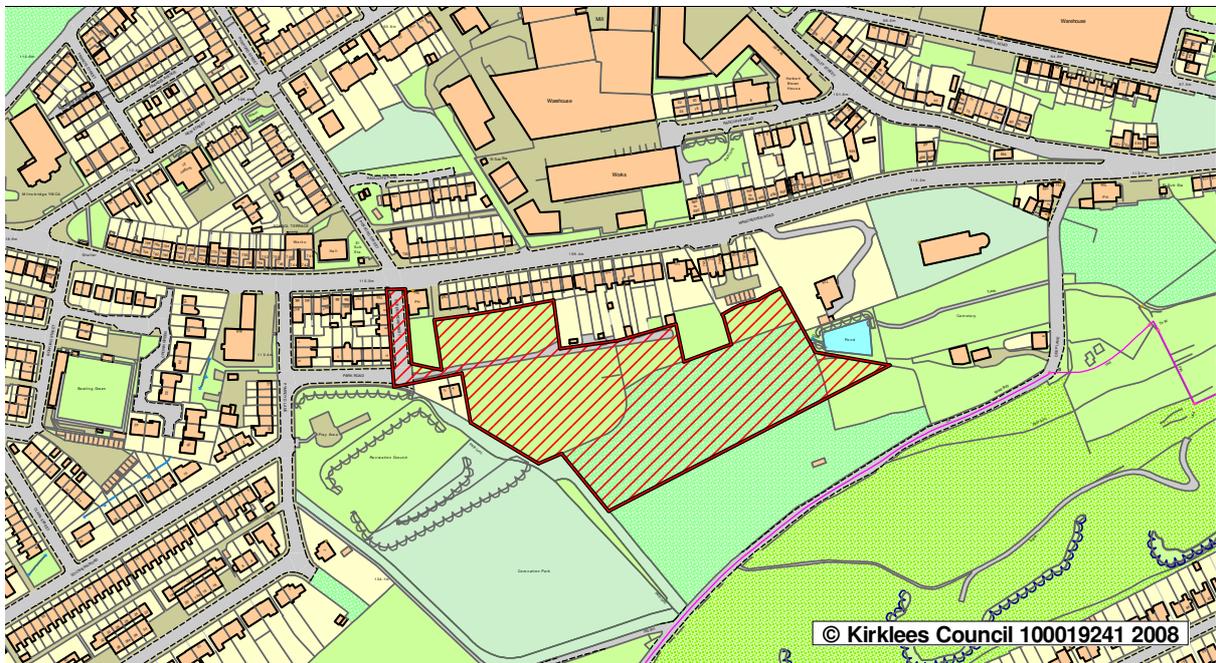
20-Feb-2018

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: Golcar

Yes

Ward Members consulted

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report, and to enable the publicity period for the amended details to expire.

1.0 INTRODUCTION:

- 1.1 This is an outline planning application, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to Strategic Planning Committee as part of the site is within the green belt, therefore the proposal represents a departure from the Kirklees Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.69 hectares in size, has an irregular shape, and slopes downhill from south (140m AOD approx.) to north (110m AOD approx. at the site's northwest corner). The site includes the pavements and cobbled carriageway of Queens Road West.
- 2.2 No buildings exist within the site's boundaries. The site is heavily overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs), however TPOs cover trees to the northeast and south.
- 2.3 The site is within the Milnsbridge Conservation Area, close to its southern boundary. The site abuts the curtilage of the Grade II listed former St Lukes Vicarage which stands in substantial grounds to the northeast, and beyond this is the Grade II listed former Church of St Luke. Undesignated heritage assets within and close to the site include the cobbles of Queens Road West, the stone terraced houses to the north and west of the site, dry stone walls and field patterns, and the pond directly to the east of the application site.
- 2.4 A small part of the application site is within the green belt.
- 2.5 Coronation Park exists to the southwest of the application site.
- 2.6 No public rights of way cross the application site, however the site has been used by the public, and there are well-trodden paths in some locations.

3.0 PROPOSAL:

3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. Approval of matters of access to the site is also sought. All other matters (scale, layout, appearance and landscaping) are reserved.

3.2 No indicative site layout plan has been submitted, and originally no access point had been suggested by the applicant, however during the life of the application the applicant agreed to submit access details for consideration at this outline stage. The applicant has estimated that between 40 and 50 residential units (of varying sizes) could be accommodated at this site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 89/02983 – Outline planning permission granted 17/07/1989 for residential development.

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

5.1 During the life of the application, details relating to highways and access matters and flood risk were submitted. An amended location plan (and red line boundary) was also submitted.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The majority of the site (all of it apart from the small part that is within the green belt) is allocated for housing in the UDP (allocated ref: H1.17).

6.3 The site is within the Milnsbridge Conservation Area.

6.4 Relevant policies are:

G6 – Land contamination
NE5 – Wildlife corridors

NE9 – Mature trees
BE1 – Design principles
BE2 – Quality of design
BE5 – Conservation areas
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
BE22 – Accessible parking
BE23 – Crime prevention
EP3A – Culverting and canalisation
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T1 – Transport priorities
T2 – Highway improvements
T10 – Highway safety
T14 – Pedestrian safety
T16 – Pedestrian routes
T17 – Cycling
T19 – Parking standards
H1 – Housing needs
H6 – Housing allocations
H10 – Affordable housing
H12 – Affordable housing arrangements
H18 – Open space provision
R6 – Public open space
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP35 – Historic environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- Planning Practice Guidance
- Milnsbridge Conservation Area Character Appraisal

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for initial publicity was 27/12/2017.

7.2 Representations from occupants of 17 properties were received in response to the council's initial consultation. The following is a summary of the concerns raised:

- Site is inappropriate for development. Site is green space, not brownfield land. Harm to green belt.
- Impacts upon wildlife (including protected species) and Wildlife Habitat Network.
- Loss of trees.
- Loss of playspace and dog-walking area.
- Loss of cobbles from Queens Road West.
- Queried ability of local sewers to cope with additional connections.

- Queried affordability of dwellings, and who occupants would be.
- Highways safety concerns (construction stage and following completion of development).
- Obstruction of access to adjacent property.
- Impacts upon schools, doctors and other local services.
- Loss of light to neighbouring properties.
- Loss of privacy.
- Light pollution.
- Noise pollution.
- Increased flood risk.
- Increased pollution, harm to mental health and well-being.
- Inaccurate boundary lines on drawings.
- Lack of public consultation.

7.3 Responses to these comments are set out later in this report.

7.4 Following the submission of an amended location plan and other information, a 21-day reconsultation exercise was commenced. This reconsultation period ends on 15/05/2018, after the date of the Strategic Planning Committee. To date, representations from the occupants of three properties (one from a resident who had previously commented, two from residents who hadn't) have been received. The following is a summary of the concerns raised:

- Lack of information regarding access onto the site at the top of Queens Road West.
- Increased traffic on Manchester Road.
- Increased flood risk.
- Impact upon conservation area.
- Impacts upon wildlife.

7.5 Further comments received in response to this reconsultation will be reported in the committee update and verbally at the committee meeting. Should any comments be received after the meeting of the Strategic Planning Committee on 10/05/2018, it is recommended that delegated authority be granted to officers to consider these further comments, and to ascertain if new material considerations have been raised.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Carriageway and footway widths into the application site are as per the minimum required for an estate road, and the visibility splays from Queens Road West onto Manchester Road are adequate given the results of the independent speed surveys and the proposed redesign of the junction. Applicant's proposals and Stage 1 safety audit iron out all issues previously raised from a highway safety perspective. 9.5m wide highway required for the access road outside 2 Park Road.

KC Strategic Drainage – Very limited information regarding drainage planning or design has been provided, therefore the proposal cannot be fully assessed or approved. Full consideration should be given to flood risk to or from the site. Drainage strategy required. Drainage proposals should use vegetated surface water attenuation to provide water quality improvements alongside their

drainage function. Any hardstandings should be permeable surfaces. Rainwater harvesting should be explored.

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. A water main and a public combined sewer cross the site.

8.2 **Non-statutory:**

KC Trees – No reason why general principle of outline permission, with no numbers specified, shouldn't be supported. However, red line boundary extends outside of the housing allocation into a wildlife corridor – agreement of principle of development should be restricted to the area of land designated for housing.

KC Education – No education contribution required.

KC Environmental Health – Recommend conditions regarding site contamination. Development may be subjected to noise from road traffic on Manchester Road, and noise from The Queen PH, therefore condition regarding noise recommended. Conditions regarding vehicle charging points and a Travel Plan recommended in relation to air quality. Construction noise should be limited to specified hours.

Police Architectural Liaison Officer – No comments adverse to the approval of outline planning permission. Detailed advice provided for reserved matters stage.

KC Strategic Housing – Within Kirklees Rural (West) there is a significant need for affordable 1- and 2-bedroom units, as well as a need for affordable 1- and 2-bedroom housing specifically for older people. Kirklees Rural (West) is a popular location, with 15% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions.

KC Ecology – No objection, subject to conditions. Despite the presence of important habitats, it is possible to develop the site for residential use while avoiding significant ecological impacts. Details of how this would be achieved would be required as part of a future reserved matters application. Further survey required to determine the presence or absence of reptiles. Conditions recommended regarding ecological impact and design strategy, and a landscape and ecological management plan.

KC Public Rights of Way – Although no recorded rights of way run through the site, it is crossed by lines of tread running across the site and to different points along Deep Lane. The applicant should be aware that public rights may subsist over these routes. Queens Road West is also the access to an additional path to Deep Lane adjacent to the site. As no detailed proposals for the site have been submitted, this matter would have to be considered at reserved matters stage. The red line boundary includes the access from Queens Road West,

however this does not appear to be adopted and Land Registry information does not show this access within the relevant title.

9.0 MAIN ISSUES

- Principle of development
- Urban design and conservation issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is not brownfield land, however the majority of the site was allocated for housing in the UDP in 1999 (site reference: H1.17), and the allocation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. The allocation has been carried through to the draft Local Plan (site reference: H199). Historic England have objected to this allocation due to the lack of an evaluation of the application site's contribution to the special architectural or historic interest or setting of the Grade II listed former Church of St Luke and its vicarage. However, officers are currently working with Historic England to resolve these outstanding concerns. Furthermore, residential development could be carried out at this site with new buildings positioned well away from the listed buildings, and allocation for residential development would not obviate the need for the council (at outline and reserved matters stage) to have special regard to the desirability of preserving the setting of listed buildings when determining this and future applications. It is therefore considered that full weight can be given to the longstanding UDP allocation, and significant weight can be given to the allocation in the emerging Local Plan.

Although no indicative details have been submitted with the current application, it is considered that much of the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to the green belt, highways safety, gradients, drainage, heritage assets, open space, neighbour amenity, water and sewer infrastructure, and other planning considerations considered later in this report) can't be satisfactorily addressed at detailed (reserved matters) application stage. Having regard to paragraph 14 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.

- 10.2 It is noted, however, that the indicative quantum of development (40 to 50 units) suggested by the applicant would not be approved under this application. The site's constraints and opportunities would determine what number of units

would be possible at detailed (reserved matters) stage, and this number may be different to the suggested 40 to 50.

- 10.3 Of note, new buildings and the creation of domestic gardens on the part of the site that falls within the green belt would be contrary to the NPPF and emerging Local Plan policy PLP58.

Urban design and conservation issues

- 10.4 There is a requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.5 The nearby Grade II listed former Church of St Luke is noted by Historic England for its commanding position, being elevated above Manchester Road and set in substantial grounds. The Grade II listed former vicarage is similarly elevated. Clearly, the location, elevation and setting of these listed buildings contribute to their interest, and development that intruded into this setting could potentially be harmful to their significance.
- 10.6 The application site, however, is large, and it is considered that residential development could be carried out at this site with new buildings positioned well away from the listed buildings. New buildings may need to be positioned further away from the former vicarage than the relatively recent development at 737 Manchester Road, due to the area’s topography and the relationship between the former vicarage’s curtilage and the application site. Any development would need to be carefully designed to ensure these nearby heritage assets are not crowded, and their settings are not harmed.
- 10.7 Section 72 of the Act places a duty on the council to also pay special attention to the desirability of preserving or enhancing the character and appearance of the Milnsbridge Conservation Area when determining this application.
- 10.8 The relevant Conservation Area character appraisal defines Milnsbridge as a valley floor settlement tightly defined by the A62 Manchester Road. It identifies Deep Lane as a natural boundary to the conservation area, and notes that the undeveloped land off Deep Lane provides a dramatic frame for the settlement and is important to the character of Milnsbridge. Important vistas northwards from Deep Lane are also noted.
- 10.9 Although a major urban extension southwards up the hillside towards Deep Lane could undermine the character and definition of Milnsbridge as a valley floor settlement tightly defined by Manchester Road, it is noted that existing development at to the west (at Avison Road) already extends further away from Manchester Road, that the application site does not extend up the hillside as far as Deep Lane, that the southern parts of the application site would not be developable as they are within the green belt (and the site’s topography may further limit what can be built up the hillside), and a substantial green space would be maintained either side of Deep Lane between Milnsbridge and Crosland Moor. It is therefore considered that the positive and defining characteristics of the Milnsbridge Conservation Area, and views and appreciation of it, would not be adversely affected by a sensitively-designed residential development at the application site. Layout, materials and other aspects of design, as well as landscaping, will need to be carefully considered

at reserved matters stage, to ensure the more detailed aspects of a residential development similarly do not harm the character and appearance of the conservation area.

- 10.10 The application site is likely to be visible from public vantagepoints (and is certainly visible from private properties) on the opposite side of the Colne Valley, and the visibility of the site has been taken into account in the above assessments.
- 10.11 Conservation matters would be given the necessary further consideration at detailed (reserved matters) stage, however given the above assessments there are considered to be no reasons to withhold outline planning permission on conservation grounds.
- 10.12 The cobbles of Queens Road West are an undesignated heritage asset. The applicant has not suggested that these would be removed.
- 10.13 Conservation considerations aside, as no indicative layout or other details have been submitted by the applicant, no further consideration is necessary at this outline stage in relation to townscape, landscaping and other design matters.

Residential amenity

- 10.14 The principal of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.15 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.16 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise or incompatible with existing surrounding uses. The number of vehicle movements along Queens Road West and outside 2 and 4 Park Road would increase, but not to levels unusual for a street of this size and character.

Highway issues

- 10.17 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 32 of the NPPF states that decisions on planning applications should take account of opportunities for sustainable transport modes, and the safety of site access.
- 10.18 The application site includes the pavements and sett-paved carriageway of Queens Road West, and no other highways abut the application site. Queens

Road West is an adopted highway with an appreciable gradient, and footways are provided on both sides. Visibility onto Manchester Road is currently below required standards. At present, Queens Road West is only required to serve a small number of properties, and these demands would change as a consequence of development on the proposed site.

- 10.19 Highways Development Management officers initially expressed concern over the adequacy of the Queens Road West / Manchester Road junction for a major residential development accessed via it. The applicant's initial submission provided insufficient information to allow a proper highway assessment, and the applicant was therefore asked to provide an independent Stage 1 Safety Audit, a Transport Assessment (prepared in accordance with guidance in the Planning Practice Guidance suite, and including details of proposed traffic generation, Picady assessment of the junction with Manchester Road, access to the site by various travel modes, accident analysis, and site access design allowing for an 11.85m long service vehicle), vehicle speed surveys on Manchester Road to allow calculations for the minimum permissible visibility splays from Queens Road West, and assurance that the necessary access dimensions are achievable within the red line boundary (officers asked for the red line boundary to be extended to cover the full extents of Queens Road West). Potential pedestrian conflict with the access to the adjacent park was also raised as a concern.
- 10.20 During the life of the application, the applicant submitted the requested highways and access information, amended the red line boundary, and agreed that matters of access are to be considered under this outline application, and not reserved.
- 10.21 The applicant proposes built-outs at the Queens Road West / Manchester Road junction. Having regard to the results of the independent speed surveys, and to traffic volumes and gradients, the proposed visibility splays at this junction are considered adequate. The findings of the applicant's Stage 1 safety audit are accepted. The build-outs can be provided without causing a significant loss of on-street parking spaces on Manchester Road, and without interfering with the existing bus stop located to the east of the junction.
- 10.22 The applicant's Transport Assessment considers impacts upon the local highway network, based on a proposed development of up to 50 units. This predicts a total of 37 additional vehicle movements in the a.m. peak (eight arrivals, 29 departures), 39 in the p.m. peak (18 arrivals, 21 departures), and 352 throughout the day. Although significant volumes of traffic already make use of Manchester Road, these predicted additional vehicle movements are not expected to cause significant adverse impacts in terms of congestion on the local highway network.
- 10.23 Carriageway and footway widths into the application site are as per the minimum required for an estate road, and a 9.5m wide highway (including carriageway and footways) can be provided outside 2 and 4 Park Road. The applicant's swept path diagrams indicate that an 11.85m long refuse vehicle would be able to enter and exit the site.
- 10.24 No indicative layout for the proposed development has been submitted, therefore officers cannot at this stage comment on the roads required or proposed within the site, however it is noted that the topography of the site is likely to necessitate significant retaining walls and structures, and that

maximum highway gradients would need to be adhered to during the layout design process. The expected minimum width of the proposed estate road would be 5.5m with 2m footways on either side. Such details would be considered further at reserved matters stage, should outline planning permission be granted. Later, detailed consideration of highways matters would determine what number of units this site could accommodate, and this number may be different to the suggested 40 to 50, however in relation to the Queens Road West / Manchester Road junction at least, it is considered that a major residential development of this suggested size can be accommodated.

- 10.25 No recorded or claimed rights of way run through the application site, however it is crossed by lines of tread running to different points along Deep Lane, and public rights may subsist over these routes. This possibility is, however, not a reason to withhold outline planning permission.

Drainage issues

- 10.26 The site is within Flood Zone 1, and is over 1 hectare in size, therefore a site-specific Flood Risk Assessment would be required at reserved matters stage.
- 10.27 At outline stage, given that details of the number of units (other than an indicative number), and their locations in relation to water courses and potential sources of flood risk, have not been submitted, it is not considered necessary for the applicant to provide detailed drainage information.
- 10.28 At reserved matters stage, the applicant would need to address concerns of neighbouring residents regarding the potential impact of the proposed development upon adjacent land and buildings in relation to surface water and flooding.
- 10.29 Yorkshire Water have reported that a water main and a public combined sewer cross the site. This infrastructure may need to be accommodated in the layout of development at this site (Yorkshire Water have recommended conditions in relation to this), however it is not considered to be a constraint on the principle of residential development at this site.

Ecological considerations

- 10.30 The application site is not subject to any adopted designations or allocations in relation to ecology, however much of the site is within the proposed Wildlife Habitat Network as set out in the emerging Local Plan. This network connects designated sites of biodiversity and geological importance and notable habitat links, and any development within or close to the network will need to support and enhance these links.
- 10.31 Development at this application site has the potential to impact upon the network, including through the construction of new buildings, road surfaces, and retaining structures that may be needed to accommodate development on this sloping site.
- 10.32 A Preliminary Ecological Appraisal has been submitted to support the proposal. The report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have

been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 11 of the NPPF.

Trees

- 10.33 No Tree Preservation Orders cover the application site, however trees within the site are afforded protection by the site's conservation area designation. UDP policy NE9 states that mature trees should normally be retained, while policy PLP33 in the emerging Local Plan states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity value, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network. Comments received by the council from local residents would suggest the application site's trees are indeed valued locally.
- 10.34 Although residential development at the application site is likely to impact upon trees (given the number and density of trees on site), as no proposed layout plan or number of residential units has been formally proposed at this outline stage, the impact of the proposed development cannot be assessed in relation to trees. It is therefore recommended that tree matters be considered at reserved matters stage. Should outline permission be granted, however, the applicant will need to be aware that – notwithstanding the outline approval – development at this site may prove to be constrained by the site's trees. An approval of outline permission would not undermine the need for proper consideration of impacts upon trees at reserved matters stage. It is, however, noted that the site's trees and shrubs appear to be self-seeded, many are young and/or of a poor quality, and the site has a ruderal character. Furthermore, it is again noted that residential development at this site would be possible without causing significant ecological impacts.
- 10.35 At this stage there are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

Representations

- 10.36 To date, representations have been received from the occupants of 19 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.
- Loss of playspace and dog-walking area – Although the site has clearly been used by local residents on an informal basis, it is not designated or protected open space, and has no recorded rights of way running across it.
 - Queried ability of local sewers to cope with additional connections – No objection has been raised by Yorkshire Water, although conditions relating to drainage infrastructure have been recommended.
 - Queried affordability of dwellings, and who occupants would be – The development's affordable housing provision would be determined at reserved matters stage, and the identity of the occupants is not a material planning consideration.

- Obstruction of access to adjacent property – This is a private matter to be resolved between the developer and adjacent owner.
- Impacts upon schools, doctors and other local services – No contribution towards education facilities is required. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- Increased pollution, harm to mental health and well-being – Depending upon the size of the development (number of units), a Health Impact Assessment may be required at reserved matters stage.
- Inaccurate boundary lines on drawings – The boundary lines in the applicant's supporting document are not legally definitive and do not determine land ownership. A correction to the applicant's red line boundary has been made during the life of the application in relation to land to the rear of 737 to 741a Manchester Road.

Planning obligations

- 10.37 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.38 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 1.69 hectares. A condition can be imposed requiring the provision of public open space.
- 10.39 The council's Education department were consulted and commented that a contribution was not required. Following further design work, however, the unit number proposed at reserved matters stage may trigger the need for a contribution, and an appropriate condition is recommended.

Other matters

- 10.40 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.41 The proposed development is likely to involve the removal of trees and would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed

to encourage the use of sustainable and low-emission modes of transport, would be required at reserved matters stage.

- 10.42 Crime prevention would be a relevant consideration at reserved matters stage, not least given that the site (and, presumably, the curtilage of some of the new dwellings) would abut woodland areas. These matters are not, however, reasons to withhold outline planning permission.

11.0 CONCLUSION

- 11.1 The majority of the site is allocated for housing in both the UDP (saved policies) and the emerging Local Plan. The principle of residential development at this site is therefore considered acceptable. A small part of the site is within the green belt, which means the proposal represents a departure, however it is considered that the larger part of the site can be developed without encroaching onto green belt land.

- 11.2 The site is constrained by the Milnsbridge Conservation Area designation, tree and ecological considerations, existing residential properties and listed buildings nearby, drainage, topography, and water and sewer infrastructure. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.

- 11.3 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.

- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 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 Strategic Investment)

1. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Highways
6. Ecology
7. Drainage
8. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
9. Public Open Space
10. Education
11. Noise Report
12. Contamination Reports
13. Yorkshire Water conditions

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93804>

Certificate of Ownership – Certificate A signed