
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 01-Jun-2018****Subject: Planning Application 2017/92291 Erection of 19 dwellings with associated infrastructure and landscaping Rock Villa Development, Land off Warwick Road, Batley, WF17 6AN****APPLICANT**

Farmah Enterprises

DATE VALID

31-Jul-2017

TARGET DATE

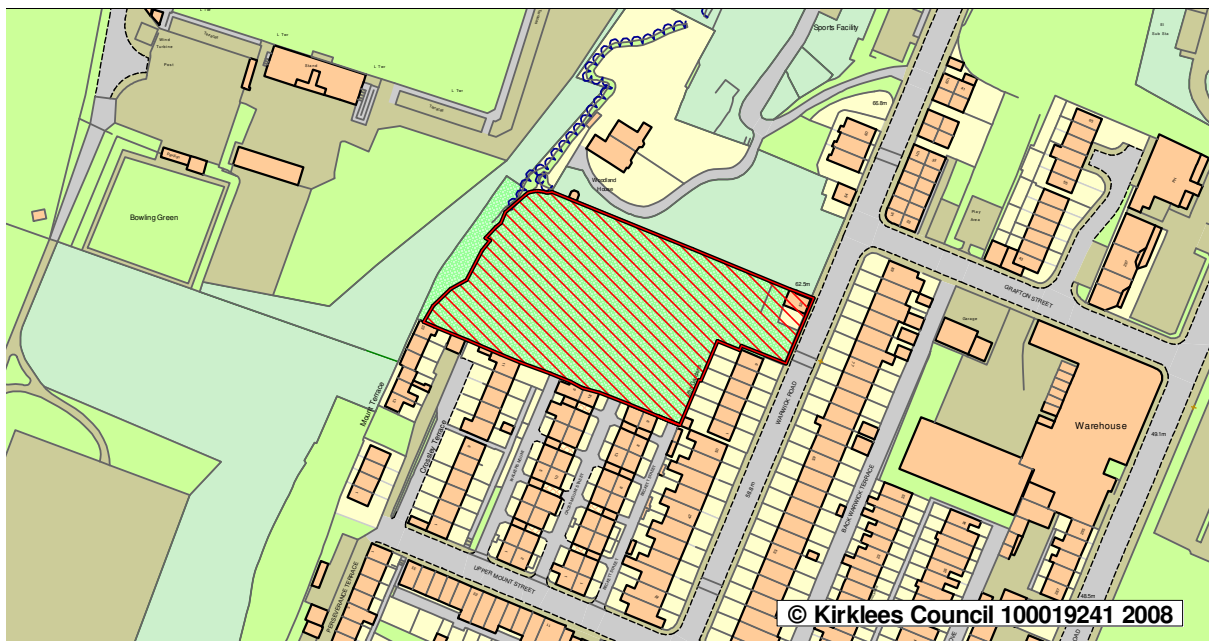
30-Oct-2017

EXTENSION EXPIRY DATE

19-Mar-2018

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<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: Batley East

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposed access into the development fails to achieve adequate visibility onto Warwick Road and is thus significantly harmful to highway and pedestrian safety in this location contrary to Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. This represents significant and demonstrable harm which would outweigh the benefits of the development contrary to paragraph 14 of the National Planning Policy Framework.

2. The proposed development would generate a requirement to provide affordable housing and public open space provision which has not be provided as part of the proposed development. As such the proposal is contrary to Policies H18 and H10 of the Kirklees Unitary Development Plan, the guidance contained within the Interim Affordable Housing Policy (2016) and the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is presented to Heavy Woollen sub-committee due to the level of representation received. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a steep sloping parcel of land which is generally overgrown. It slopes up steeply from Warwick Road with levels at Warwick Road being *circa* 61m AOD rising up to 84m AOD at the rear of the site. Warwick Road lies to the west of, and runs parallel to, Bradford Road.
- 2.2 Historical maps show that the top of the site was once occupied by a dwelling (Rock Villa) with the slope of the site comprising gardens associated with the dwelling. This was apparently demolished in the 1960's.
- 2.3 The site is sandwiched between different residential developments which run along the western side of Warwick Road. Beyond the western boundary of the site and over the crest of the slope is Batley Rugby League Club.
- 2.4 To the south of the site is a high density arrangement of dwellings on streets located off Upper Mount Street. On the northern boundary are a number of trees, none of which are protected by a preservation order.

3.0 PROPOSAL:

3.1 The proposal is a full application for 19 dwellings comprising a mix of two, three and four bedroom units which would be arranged as townhouses with terraced rear gardens. The units would comprise:

- 3 no. five bedroom dwelling.
- 2no. four bedroom dwelling.
- 9no. three bedroom dwelling
- 4no. two bedroom dwelling

Parking Provision:

- 4 No. Parking Spaces per Five Bedroom Dwelling
- 3 No. Parking Spaces per Four Bedroom Dwelling (Plot 12 has 4No. Spaces)
- 2 No. Parking Spaces per Two/Three Bedroom Dwelling
- 3 No. Visitor Parking Spaces.

3.2 Gardens and areas surrounding the site would be supported by a number of retaining walls to address the significant level differences across the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/20216 – pre-application advice given in October 2016 based on 22 dwellings. This set out that the scheme was generally considered acceptable subject to design amendments and subject to an off-site contribution to public open space and 20% affordable housing. In terms of highways impacts, officers set out advice which included the following:

“...Sightlines of 2.4 x 43 metre sight lines will need to be provided onto Warwick Road. It is noted that the sightlines as shown are over third party land and the provision of the sightlines would therefore be outside of the applicant’s control...”

92/03897 – Erection of residential development (9 dwellings) - The six properties to the left of the proposed junction (oppose side to No 52) were built as part of the application, however, the road and 3 other dwellings were not built.

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

5.1 Officers engaged with the agent to discuss the potential for revisions to the layout, access and drainage. Amendments to the design included a shared surface arrangement for the proposed highway and amendments to the rear boundary fencing facing the street which has been altered to a brick wall instead of a wooden fence. Additional information supplied by the applicant includes a speed survey.

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.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 - Unallocated land
B4 – Change of use of land and buildings last used for business or industry
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
H10 – Affordable housing
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards
G6 – Land contamination
EP4 – Noise sensitive development
EP11 – Ecological landscaping

Kirklees Draft Local Plan Strategies and Policies (2017):

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
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.3 Supplementary Planning Guidance / Documents:

- Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

National Planning Guidance:

- 6.4 **Chapter 4** - Promoting Sustainable Transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the Natural Environment

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice and neighbour notification letters. A total of 18 letters of objection have been received which are summarised below. Comments are addressed in the main body of the report unless otherwise stated:

- The increased volume of traffic on Warwick Road: this is already a very busy road with traffic calming measures in place. Many of the properties are large family homes with a number of cars per household, there are three busy Asian grocers situated within a few metres of each other on the cross roads of Warwick Road. This leads to daily traffic congestion issues with the number of cars parked along Warwick Road regularly blocking off many residents drives and causing a lot of tension. My concern is that it seems some of the proposed dwellings will only have one car parking space whilst others will have two. This I can see being a problem which will exacerbate the current issues we face as any additional cars could then be parked on Warwick Road which would cause us even more problems.

Officer response – parking proposed is in line with UDP policy. Parking spaces would be located on driveways and within an open integral parking arrangement.

- I see no mention of a children's play area in the plans - is this not a pre requisite for a development of this size?

Officer response – there is a requirement to provide a contribution towards equipped play provision, on a site of this size an off-site contribution would be the usual approach. This would be secured by S106 Agreement in the event that planning permission is granted.

- I note that the developer is looking to build a separate wall / fencing to separate the new development from the existing terraced housing. There is already a boundary wall in place which really does requires immediate attention. This is a retaining wall and at certain places it is falling away which is a concern for the

kids that play nearby. There are also currently some houses next to this area that have had flooding issues for a number of years and have pumps in their cellars to take away the water. I would suggest that as part of the development this is looked at and remedied.

Officer response – in the event planning permission is granted full details of boundary treatments and retaining structures would be secured by condition.

- If there are to be 19 dwellings in the area then surely you would have to look at reducing the traffic flow in the area. Making some of the roads nearby (Mount Street off Bradford Road, parts of Warwick Road) into one way traffic and to have the developers create extra parking to reduce the burden on existing residents. Please consider the impact this is going to have on the existing residents and the area, as I am sure you are well aware of the parking issues already in the area. Due to the amount of traffic in the area it is also a safety issue for the children and elderly people.
- Islamic Cultural and Welfare Association - The Majority of our members also live in the Warwick Road area. Our organisation believe in general the development would be a positive step for our area. However speaking with a number of our members we share their concerns ie around ... 1) The increased volume of traffic on Warwick Road and surrounding areas. 2) Over spill of cars needing to be parked on the already busy street in the area. 3) Absence of any children's play area in the plans. Additionally, if as part of this development other issues in that area can be considered. If required we could host a session between our members living on Warwick Road and the developers so they can get a better understanding the impacts of the proposed development.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – Object on the following grounds:

- *Adverse camber around a bend is not good practice and should ideally be avoided. The levels are switched further up the gradient (outside plot 8) – why can't this be done at a location which will take out the adverse camber. We are consulting with section 38 regarding this site and the long sections should be produced at this stage given the complexity of the site.*
- *Highways view is that appropriate (ideally 20 metre) vertical curves should be provided at the entrance. The level platform should ideally be 1 in 40.*
- *Given that this is a full application the applicant's proposals regarding the sight lines at the entrance need to be confirmed. Any additional land needed to provide the sight lines will need to be included within a revised red line boundary.*
- *Highways view is that the proposed footway should be 2.0 metres in width*

- *The access junction needs to be amended to show the existing traffic calming re-positioned. The kerb radii at the access returns within the site. This should tie into the kerb line of Warwick Road. Revised swept paths will be needed to show that the footways are not over-run by a large 11.85 m refuse vehicle.*
- *Highways view is that consideration should be given to the redesign of these plots such that access is not taken across the radii. Highways don't consider that a ramp would work - how can the footways be carried past the ramp into the shared surface. If the road layout were redesigned to be more angular these problems may be overcome and forward visibility at the bends or changes in direction may be improved.*

Following the submission of additional junction detail and a speed survey in May 2018, Highways DM comment as follows:

- *The speed survey as carried out at the location of the proposed junction, this happens to be right by a traffic calming feature in the road. Highways DM would expect surveys to be carried out at the limits of the achievable visibility splays.*
- *A visibility splay of 2.4m x 13m is achievable to the left, which equates to an 85th percentile wet weather speed of around 11.5mph. As such, even the supplied survey results of around 15mph are still too high to recommend approval. Observed traffic speeds on Warwick Road would appear higher than the figures supplied.*
- *The junction plateau proposed in mitigation is unlikely to be able to be built due to existing road features (driveways etc). The removal of the existing hump without the facility to replace it with an equally onerous traffic calming feature is likely to see traffic speeds increase.*

Lead Local Flood Authority – No objection to the proposed means of draining the site. Raise concerns regarding potential for runoff from the rugby club. Further details contained in the relevant section of this report.

8.2 **Non-statutory:**

Crime Prevention – No objection.

K.C. Conservation and Design – No objection.

Yorkshire Water – No objection to the discharge to combined sewer.

K.C. Arboricultural Officer – No objection.

K.C. Public Rights of Way – No objection.

K.C. Biodiversity Officer – Additional ecological mitigation required.

K.C. Environmental Health – No objection subject to conditions concerning contamination.

K.C. Strategic Housing – 4 affordable dwellings required. The applicant proposed 2no 4 bedroom dwellings which is generally acceptable subject to a split of 50/50 intermediate and affordable rent.

K.C. Landscape – No objection subject to POS contribution.

9.0 MAIN ISSUES

Principle of Development
Urban Design
Highways issues
Residential Amenity
Landscape/Ecology
Public Open Space
Drainage
Planning Obligations

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated land on the Kirklees Unitary Development Plan. It remains unallocated on the Kirklees Publication Draft Local Plan (PDLP). Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.2 The NPPF is a Government statement of policy and is, therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.3 There is clear support for housing proposals contained within the NPPF which seeks to *“boost significantly the supply of housing...”* (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

- 10.4 As evidenced in recent appeal decisions the Council are falling foul of their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 10.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
 - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
Specific policies in the Framework indicate development should be restricted.
- 10.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. The housing land supply shortfall in Kirklees is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan (PDL) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan is still undergoing Examination and has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.7 Para 14 of the NPPF provides that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. *A tilted balance* or presumption in favour of sustainable development applies in this case.
- 10.8 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The current status of the site is greenfield.
- 10.9 The principle of development is considered acceptable subject to other relevant UDP policies relating to residential use on a site of this size and scale, namely policy H10 (Affordable Housing); policy H18 (Provision of Public Open Space). These matters are dealt with in detail in the consultation section, however for clarity, the issues of affordable housing and POS would be the subject of S106.

Urban Design

- 10.10 The site is largely overgrown and forms a large bank of vegetation and grassland which is not easily accessible. It is relatively prominent due to the steep banking when viewed from Warwick Road. An assessment has to be made as to whether its loss in terms of visual amenity would be detrimental to the character of the area and whether the benefit of development would outweigh its loss as a greenfield site. Residential development is existing to the east on the opposite side for Warwick Road.

- 10.11 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. The scale, design and materials of construction have been considered. The nature of existing residential development, in the vicinity of the site, is mixed in scale and character with no single style or design of property taking precedent. The opposite side of Warwick Road includes a row of neatly arranged terraced properties. The housing adjacent to the proposed site access fronting Warwick Road comprises three storey terraced units. There are a number of back-to-back terraced properties which run off cul-de-sacs off Upper Mount Street. Policies BE1 and BE2 of the UDP reiterate considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.12 The scheme has been designed so as to take advantage of the topography of the site and would be set behind the frontage along Warwick Road. The dwellings proposed are a mix of semi or detached comprising 3no storeys (split levels – 2 storeys to rear) with an integrated parking area at ground floor level. The proposed development is situated in a wider area where local buff coloured stone is the dominant facing material with red brickwork featuring on a number of buildings, these materials are reflected in the proposed design. The majority of the terraced houses along the southern boundary are clad in local stone apart from the dwellings along Walkers Mount which are clad in red brick. Window openings within the brick and reconstituted stone would be treated with projecting artificial stone surrounds. Those dwellings clad in brickwork would have a reconstituted stone band above the driveway opening to break up the expanse of brickwork between the piers and remaining elevation.
- 10.13 Given the extensive works required in order to create a series of streets within the site, the need for significant areas of retaining walls would be inescapable. On the edges of the site the walls would be between 2m and 8m. Individual gardens would have a stepped arrangement. The submitted plans demonstrate that the retaining walls would not protrude significantly when viewed from Walkers Mount, Cross Mount Street or Mount Terrace on the basis that dwellings would be set up to 9m lower (floor level) than the existing wall which is located on the edge of these streets adjacent to the site. Overall, the retaining elements would be set back into the site and views of the retaining structures would be intermittent when viewed from Warwick Road. They would not be viewed as a defining characteristic of the development from Warwick Road. Conditions are recommended concerning final details and materials in the event planning permission is granted.
- 10.14 The development is considered to compliment the character of the local townscape and the design of existing houses in the area. As detailed above, the size, height, scale, window proportions, roof pitch and choice of materials has been given careful consideration to create a development that is both sympathetic towards and integrates well with its surroundings and it is considered that it achieves these aims.

- 10.15 It is considered that the design of the scheme would provide a development that would meet the aims of Chapter 7 of the NPPF by contributing positively to the surrounding area and as such is in accordance with Policies BE1, BE2 and D2 of the Kirklees UDP.

Highways issues

- 10.16 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.17 Warwick Road is a classified road which runs generally parallel to Bradford Road (A652) and provides a main thoroughfare for the large urban area which resides to the west of Bradford Road. It runs from Batley Carr to the south to Taylor Street which lies immediately to the west of Batley, thus providing a peripheral link between the two urban areas. The applicant's submission included a snapshot of traffic movements in May 2018 over a 7 day period. It showed approximately 1200 daily two way movements. Two way movements generally spike between 1500 and 1700 on weekdays comprising between 120 and 185 movements per hour. The proposed development, given its relatively small scale, is not considered to lead to a significant impact on network capacity.

- 10.18 There are schools along Warwick Road to the north and south and properties facing Warwick Road generally front the road. There is a mosque and Islamic centre to the south. Whilst it is acknowledged that properties adjacent to the site have in-curtilage parking, on-street parking is particularly evident along certain stretches of the road due to a lack of in-curtilage parking associated with the older terraced properties and at times associated with the school peak. Objectors have referred to parking issues being prevalent in the area. In addition, the street appears to be well used by local people to move between local shops, the school and the mosque and Islamic centre. Warwick Road includes a series of speed reduction features (speed bumps) which suggests that excessive vehicle speed and road safety has been a concern.

- 10.19 The proposed development involves a simple priority junction onto Warwick Road which would be positioned in between no52 Warwick Road on the northern side, and a row of terraced properties slightly set back from Warwick Road on the southern side known as 'Villa Gardens'. No52 Warwick Road faces the proposed access and the gable end of the property faces Warwick Road. Along the frontage is a stone wall with a prominent stone column feature on the corner abutting the existing footway.
- 10.20 In order to achieve adequate visibility in line with Manual for Streets (MfS) guidelines, a distance of 43m in either direction (i.e. along Warwick Road from the proposed junction) would be required when a 2.4m set back from the junction is applied. In this case the proposal would achieve adequate visibility to the south along Warwick Road, but substantially below to the north. Due to the proximity of the wall and pillar on the corner of the proposed access associated with no52, the junction has been aligned to achieve only 2.4m x 13m.
- 10.21 In order to address the deficiency in terms of achievable visibility, the applicant carried out a speed survey over a week period in May 2018. The speed survey loops were installed adjacent to an existing traffic calming feature (speed bump) as opposed to at the extent of the achievable visibility splay. Therefore, it is not sufficiently robust data. Notwithstanding this, the speed survey information recorded speeds of approximately 15mph and based on MfS guidelines an 85th percentile wet weather speed of approximately 11.5mph would be required. In short, the substandard visibility splay is not justified by the recorded average speed of vehicles.
- 10.22 The existing traffic calming feature close to the site entrance along Warwick Road would be replaced with a junction plateau according to the applicant's mitigation. However, Highways DM do not consider that a junction plateau would be achievable in this location due to the proximity of existing driveways close to the site entrance. Consequently, the removal of the existing traffic calming feature in order to facilitate the proposed access is likely to see traffic speeds increase.
- 10.23 The applicant has considered alterations to the junction alignment to further maximise visibility. However, the proposed access point is hemmed in by the existing properties and, therefore, there is limited flexibility in terms of providing a sufficiently wide carriageway and a safe junction arrangement.
- 10.24 In respect of other matters, the proposed highway would be graded to take into account the steep nature of the site. Initially this would be a 1 in 20 platform rising to 1 in 10. Highways DM view is that appropriate (ideally 20 metre) vertical curves should be provided at the entrance. The level platform should ideally be 1 in 40. The current layout does not achieve these gradients.
- 10.25 Overall the substandard visibility is an overriding concern and the scheme falls significantly short in providing adequate visibility splays at the junction with Warwick Road. The scheme fails to provide a safe and suitable access at the junction with Warwick Road and would be significantly detrimental to highway safety contrary para 32 of the NPPF, policy T10 of the UDP and PLP21 of the PDLF.

Residential Amenity

- 10.26 In assessing the impact of the development on both dwellings externally surrounding the site and the dwellings proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.
- 10.27 No52 Warwick Road faces one of the proposed dwellings which would sit approximately 3m higher. It lies at a distance of 31m. Dwellings facing Villa Gardens which also lie off Warwick Road would be at a distance of approximately 25m with a level difference of approximately 2m. In this case and all cases involving other dwellings in proximity of the site, UDP policy spacing standards are met.
- 10.28 Dwellings would be orientated so that gable ends faced properties off Mount Terrace and Walkers Mount. Whilst some of the gardens/yard areas concerned with those properties would sit at a higher level relative to gardens associated with the proposed development; conditions could be imposed requiring the submission of appropriate boundary treatments to ensure no unacceptable overlooking/loss of privacy.

Landscape/Ecology

- 10.29 The site includes an array of vegetation and trees although they of not of significant value. The submitted tree survey states that 14 trees would require removal. Most of the trees would be of lower value, with 3no Sycamore and Lime trees being of moderate value located on the northern boundary of the site and away from publicly obtainable views. There are no objections raised from the tree officer concerning the removal of any trees.
- 10.30 The trees and vegetation also provide habitat potential. The submitted ecological survey indicates that there is moderate potential for bats within trees.
- 10.31 Whilst there are no ecological mitigation enhancement details with this application, given that no significant species appear to be present on site, a condition could be imposed requiring the submission of an ecological mitigation and enhancement scheme. There is very limited landscaping within the site and there is little space within which to provide a robust landscaping response. However, it is considered that landscaping details could be conditioned.
- 10.32 The development is considered in accordance with Policy EP11 of the Kirklees Unitary Development Plan and with the inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Public Open Space

- 10.33 The site is over 0.5 hectares and requires the submission of the provision of Public Open Space on the basis of 30m² per dwelling. Based on 19 dwellings a contribution of £50,600 is required. In addition, an off-site contribution towards an existing LAP/play area on Grafton Street would be required. In total a contribution of £94,701 would be required.

Drainage issues

- 10.34 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.35 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.36 It is proposed to utilise drainage by soakaways which will be located in rear gardens and within the highway. The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
 - 2 – to a surface water body
 - 3 – to a surface water sewer, highway drain, or another drainage system
 - 4 – to a combined sewer
- 10.37 The applicant has considered drainage options through the hierarchy and considers that the only feasible option is to drain to the combined sewer. There are no objections in principle from Yorkshire Water. The submitted details are considered acceptable subject to the imposition of planning conditions.
- 10.38 The LLFA have raised concerns regarding the potential for the run off from the area of the rugby club (located to the west and on higher ground). Whilst clarification has been sought from the LLFA on this matter, no response has been forthcoming. Therefore, this matter will be reported as an update to committee.

Planning obligations

- 10.39 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Public Open Space

- 10.40 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. A total contribution of £94,701 is required towards off-site POS and a play area.

Affordable Housing

- 10.41 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. The applicant has offered 12 affordable units on-site which is fully policy compliant. The Council would wish to see 2 affordable rent and 2 intermediate units. This could be incorporated into a S106 agreement.
- 10.42 At the time of writing the report the applicant had not completed a draft S106 Agreement.

11.0 CONCLUSION

- 11.1 The proposed access has not been demonstrated to be acceptable on highway safety grounds. Whilst all other matters have largely been addressed, the benefits of providing 19 dwellings and associated affordable homes do not outweigh the conflict with policy T10 of the UDP and paragraph 32 of the NPPF. The proposed access would be significantly detrimental to highway safety and consequently, the proposed development does not represent sustainable development.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Background Papers:

Application and history files.

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92291>

Certificate of Ownership –Certificate A signed and dated 22/06/2017