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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 21-Jun-2018**

**Subject: Planning Application 2018/90151 Outline application for erection of residential development adj, 208, Yew Tree Road, Birchencliffe, Huddersfield, HD2 2EQ**

**APPLICANT**

N G Lee, c/o Agent

**DATE VALID**

22-Jan-2018

**TARGET DATE**

23-Apr-2018

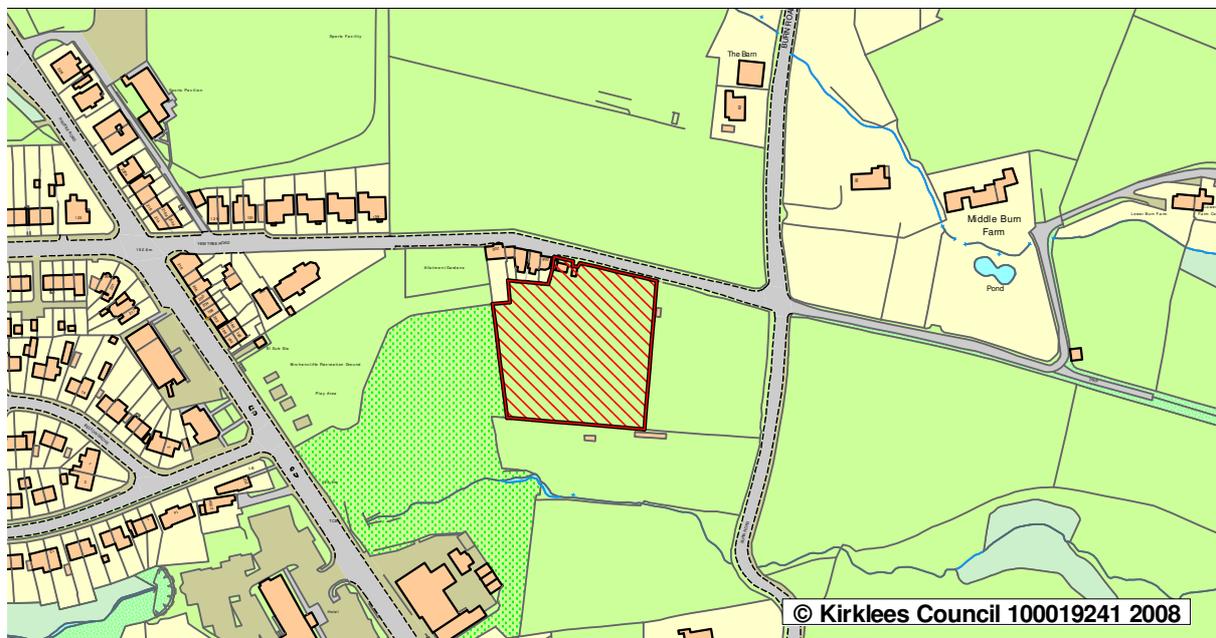
**EXTENSION EXPIRY DATE**

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

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: LINDLEY**

Yes

Ward Members consulted

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**RECOMMENDATION:**

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 secure a S106 obligation covering the following matter:

1. Contribution towards off-site improvement works at the Halifax Road/East Street (Cavalry Arms) junction.

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Sub Committee in accordance with the Scheme of Delegation because the proposal is for residential development on Provisional Open Land and therefore represents a departure from Policy D5 of the development plan.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is a field that lies to the southern side of Yew Tree Road, Birchencliffe. The field is largely flat and the western and southern boundaries have been planted with conifers and some deciduous trees. There is an area of protected woodland to the south west which marginally extends into the site. The site includes a garage and outbuilding adjacent to 208 Yew Tree Road.
- 2.2 To the north west of the site is a row of cottages (200-208 Yew Tree Road). The open land to the north of the site is currently being developed as part of a scheme for 95 dwellings. There are fields to the south and east; the field to the east slopes down from the site where it then meets a watercourse. The field to the west is the subject of a separate outline application for residential development.

**3.0 PROPOSAL:**

- 3.1 Outline application for the erection of residential development. Access is the only matter that has been applied for. The proposed access is a simple priority junction on Yew Tree Road. The layout, scale, appearance and landscaping of the site are reserved for future approval.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following application for the erection of 95 dwellings relates to land immediately to the north of the site and land off Burn Road to the east and south east of the site:

2017/90180 – Erection of 95 dwellings with access from Yew Tree Road and Burn Road – Approved and site currently under construction

- 4.2 The following application relates to the adjoining field to the east of the site:

2018/90776 – Outline application for erection of up to 10 dwellings – Undetermined (to be reported to the Huddersfield Sub Committee at a later date)

- 4.3 The following application relates to the adjoining land to the rear of the site:

2018/91838 – Outline application for erection of residential development - Undetermined (to be reported to the Huddersfield Sub Committee at a later date)

- 4.4 The following applications relate to land off Burn Road that form part of the same POL allocation as the application site:

2016/90073 – Outline application for erection of residential development (at 98 Burn Road) – Approved

2016/90524 - Outline application for erection of three dwellings (at Middle Burn Farm) – Approved by Sub Committee earlier this year (decision notice not yet issued)

- 4.5 There are also two historic applications for residential development on part of the application site. These are:

1990/06034 – Outline application for erection of detached dwelling – Refused

1993/01890 - Outline application for erection of detached dwelling – Refused

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

- 5.1 Pre-application advice was sought from the council for residential development on the site. No concerns were raised with the principle of development. Officers advised the applicant that the access to the site on Yew Tree Road should be provided directly opposite a recently approved access on the opposite side of Yew Tree Road (Harron Homes development) and with the same junction design. Officers also advised that speed readings should be undertaken to the east of the proposed access at the extent of the practical visibility splay within the applicant's control. It was also advised that the site layout should make provision for access to the adjacent land.

- 5.2 There have been negotiations with the agent in relation to the proposed point of access. The access plan submitted with the application shows two different options; one is directly opposite the approved access for the Harron Homes site and one is slightly to the west of it. The applicant sought consent for the latter. Officers considered however that the most appropriate access is directly opposite the approved Harron Homes access to the north and requested that this is the one that was applied for. The applicant has confirmed that this is the access for which consent is now sought. The proposed access is consistent with the advice given at pre-application stage.

## **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 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map. The site is part of Housing Allocation H706 within the Publication Draft Local Plan.

### **6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

D5 – Provisional Open Land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about dwellings  
T10 – Highway safety  
G6 – Land contamination  
NE9 – Retention of mature trees  
H18 – Provision of open space for new housing

### **6.4 Kirklees Publication Draft Local Plan (submitted for examination 25<sup>th</sup> April 2017):**

Spatial Development Strategy  
PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing mix and affordable housing  
PLP21 – Highway safety and access  
PLP24 – Design

PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP33 – Trees  
PLP51 – Protection and improvement of local air quality  
PLP53 – Contaminated and unstable land  
PLP63 – New open space

6.5 Supplementary Planning Guidance / Documents:

N/A

6.6 National Planning Guidance:

NPPF Core Planning Principles  
NPPF Chapter 4 – Sustainable travel  
NPPF Chapter 6 – Delivering a wide choice of quality homes  
NPPF Chapter 7 – Requiring good design  
NPPF Chapter 11 - Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Application was advertised by site notices and neighbour letters. In response to the publicity 14 representations have been received, the majority of which are duplicates of the same representation.

Transport issues:

- Proposed access does not take into account the access for the development site to the north. In effect a cross roads will be created.
- Local roads already congested; this development combined with other approved developments in the vicinity will exacerbate this situation
- Increased risk of accidents
- Development should be refused pending improvement works to A629 Halifax Road
- A contribution towards the improvement of pedestrian and cycle routes in the vicinity should be sought
- Detrimental impact on amenity value and public enjoyment of public footpath 405.

Visual amenity/landscape character:

- Detail of scale required
- Visually intrusive

Residential amenity/health:

- Detrimental impact on air quality
- Air Quality Management Area in place at Birchencliffe/Ainley Top

Ecology:

- Disruption to wildlife

Other matters:

- Pressure on local schools and medical services

7.2 Ward members were notified of the application. No specific comments on the proposal have been received.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

**KC Highways Development Management** – The most appropriate point of access is directly opposite the approved access on the other side of Yew Tree Road that forms part of planning permission 2017/90180. A footway should be provided along the site frontage. Contribution towards off-site highway works required (Cavalry Arms junction on Halifax Road).

**KC Lead Local Flood Authority** – Object to the indicative drainage strategy submitted in support of the application.

**The Coal Authority** – No objections subject to conditions

**8.2 Non-statutory:**

**KC Environmental Services** – No objection subject to conditions relating to land contamination, noise and electric vehicle charging points.

**KC Ecology Unit** – The majority of the site has limited ecological value however about one fifth of it is marshy grassland/rush pasture which is likely to support biodiversity. It would be desirable for this habitat to be retained or alternatively compensated for within any future layout. No objections subject to a condition requiring an Ecological Design Strategy that addresses this particular habitat and provides ecological enhancement.

**KC Landscaping Section** – Site area exceeds 0.4ha and therefore Public Open Space (POS) should be provided. Any development over 5 dwellings would also require a Local Area of Play (LAP). If not provided on site then a financial contribution towards off-site provision should be provided. Advice provided in respect of future hard and soft landscaping proposals.

**KC Arboricultural Officer** – No objections. Trees on the site do not meet the criteria for a new Tree Preservation Order (TPO) to be served and future landscaping proposals can mitigate any tree loss. The existing protected trees to the west and south west of the site will need to be taken into account when layout is considered at reserved matters stage.

**KC Strategic Waste Officer** – Landfill gas data provided [this indicates that the site is unlikely to be affected by landfill gas].

## 9.0 MAIN ISSUES

- Principle of development
- Landscape character and urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage and flood risk issues
- Planning obligations
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site forms part of a much larger area of land which is allocated as Provisional Open Land (POL) on the Unitary Development Plan (UDP) Proposals Map. Planning permission for 95 dwellings has been approved on a significant proportion of the allocation under application reference 2017/90180 and this development is currently under construction. Outline consent for seven dwellings has also been approved on two separate parts of the POL allocation to the west of the site under applications 2016/90073 and 2016/90524.
- 10.2 The National Planning Policy Framework (NPPF) outlines the government's definition of sustainable development and paragraph 14 of the Framework sets out a presumption in favour of sustainable development.
- 10.3 The proposal is for new houses and paragraph 49 states that "*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 (e.g. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council is failing to meet its 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 As the Council is unable to demonstrate a 5 year housing land supply as required by paragraph 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan for examination which, for housing purposes, is predicated on the basis of a five year housing land supply, the Local Plan has not been through examination and nor has it 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.
- 10.6 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.7 Policy D5 of the UDP relates to development on POL. It states:

*On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.*

10.8 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date.

10.9 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development therefore constitutes a departure from the development plan.

#### *Emerging Local Plan*

10.10 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public began in October 2017. The site forms a housing allocation (H706) within the PDLP. Given that the PDLP has now been submitted and is undergoing examination consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

*From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.12 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

*b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

- 10.13 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature.
- 10.14 Given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies and allocations within the emerging Local Plan. There are two unresolved objections to proposed housing allocation H706, one from Historic England and one from a member of the public. The objection from Historic England relates to the impact on the significance and/or setting of Middle Burn Farm and Lower Burn Farm, which lie around 150m and 250m from the application site. As the site is well separated from Middle Burn Farm and Lower Burn Farm, with 7 new dwellings also planned in between, it is considered that Historic England's unresolved objection does not significantly reduce the weight that can be afforded to the application site's allocation in the emerging plan.
- 10.15 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, the PDLP has not been through examination and as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by paragraph 14 of the NPPF.
- 10.16 Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

#### Landscape character and urban design issues

- 10.17 The site lies towards the edge of the built-up part of Birchencliffe with open fields to the south and east. The land to the north is currently being developed as part of a development of 95 dwellings that also includes other areas of open land further to the east of the site off Burn Road. This approved development will therefore substantially alter the semi-rural character of the area and in this context it is considered that additional residential development on the site would not significantly harm the landscape character.
- 10.18 The application is in outline form with all matters reserved. The number of dwellings is therefore to be agreed as a reserved matter (layout). Within the emerging Local Plan Policy PLP7 seeks to achieve a net density of at least 35 dwellings per hectare, where appropriate. The site is just over half a hectare in size and so it could be expected that the site could accommodate in the region of 18 dwellings. However, any development will need to respect the character of the area, including that of the development currently being built under application 2017/90180. As such, a much lower density of development is likely to be appropriate in this case.

- 10.19 Consideration of scale and appearance are also reserved for future approval but officers are satisfied that a scheme can be brought forward that respects existing and planned development within the immediate vicinity of the site. The Planning Statement submitted in support of the application states that it is envisaged that the dwellings would be two storeys in height; this would be compatible with the surrounding area.
- 10.20 In principle the application is in accordance with Policies BE1 and BE2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

#### Residential Amenity

- 10.21 The nearest existing dwellings to the site are 200-208 Yew Tree Road which lie to the northwest on the same side of Yew Tree Road. There are dwellings approved to the north of the site on the opposite side of Yew Tree Road that front onto the site. The land to the east is subject to a separate application for residential development and it is possible that the field to the rear, which slopes down away from the site, is developed at some point in the future because it is part of the same housing allocation in the emerging Local Plan.
- 10.22 Policy BE12 of the UDP is the council's space about buildings policy and policy PLP24 of the emerging Local Plan seeks to provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.23 A detailed assessment of the separation distances between existing and new dwellings in respect of potential overlooking, overshadowing and overbearing impacts will be necessary when matters of layout and scale are considered as reserved matters. This assessment will need to take into account potential future development on the land to the east and south which form part of the same housing allocation in the emerging Local Plan and are subject to separate outline applications for residential development.
- 10.24 This is considered to be a suitable location for residential development. Environmental Services have recommended that a condition is imposed to address any potential noise nuisance caused from road traffic noise, including from the M62 motorway. The application site is further away from the motorway than the approved houses to the north and so there are unlikely to be any significant noise issues.
- 10.25 Issues of air quality impacts on future residents were considered as part of application 2017/90180 for the erection of 95 dwellings and found to be acceptable. This conclusion holds for the proposal.
- 10.26 In principle the application satisfies Policies BE12 and BE1 of the UDP and PLP24 of the emerging Local Plan and guidance in the NPPF.

### Landscape issues

- 10.27 The landscaping of the site is a reserved matter. It is nevertheless considered that external boundary treatment should respect the established character of the area which includes drystone walling to field boundaries. Drystone walling has been retained to the boundaries of approved developments on other parts of the POL allocation.
- 10.28 The size of the site triggers a requirement for public open space provision (POS); this could be incorporated into the site layout or alternatively an off-site sum in lieu of on-site provision may be more appropriate.
- 10.29 The submitted ecological appraisal recommends that landscaping could include an area of marshy grassland or a permanent water body with a wide belt of marginal vegetation. The inclusion of such an area would help to provide a sense of openness to the site and respect the existing character of the land.

### Housing issues

- 10.30 The development would contribute towards the supply of housing in the district at a time when the council is currently unable to demonstrate a 5 year housing land supply. Should the number of dwellings on the site exceed 10 then the council's interim affordable housing policy requires that 20% of the units are affordable.
- 10.31 The site is allocated for housing in the emerging Local Plan.

### Highway issues

- 10.32 The application seeks approval of the main point of access to the site. The proposed access is a simple priority junction along the site frontage off Yew Tree Road. The proposed access is located immediately opposite an access serving the approved housing development on the opposite side of Yew Tree Road (currently being developed by Harron Homes).
- 10.33 Officers consider the proposed access to be the most appropriate location. This is because it would enable drivers exiting the application site and the development site to the north to have a clear and direct sight of one another. Officers are satisfied that acceptable sightlines are achieved in both directions having regard to traffic speeds on Yew Tree Road. Detailed design of the junction can be secured by condition although the radii of the access should match that of the approved junction opposite and an amended plan is to be provided showing a 6m radii.
- 10.33 Officers have assessed the proposed access in light of the proposed residential development on the land to the east of the site which also proposes a new access onto Yew Tree Road (ref: 2018/90776). Officers are satisfied that the proposed access would not conflict with any potential new access serving this adjacent land. Furthermore, the access arrangement, being opposite the Harron Homes access, would help to avoid there being three staggered junctions within a relatively short stretch.

- 10.34 At pre-application stage it was suggested that the site layout should make provision for access to the adjacent POL (emerging housing allocation). Two separate planning applications have subsequently been submitted for development on the fields to the east and south of the site and these propose to have their own separate points of access. All three parcels of land are within different ownership. Layout is a reserved matter but it is likely that the proposed access will be serving the application site only. Officers raise no objections to this.
- 10.35 As part of the approved development of 95 houses under application reference 2017/90180 a suite of highway mitigation works were approved. These works include the widening of Yew Tree Road and a footway to the northern side of the road. It is considered that a footway to the application site frontage should be provided as part of the proposed scheme; this can be secured by condition and incorporated into the site layout to be approved as a reserved matter.
- 10.36 The application is considered to comply with Policies T10 and BE1 of the UDP and PLP21 of the emerging Local Plan.

#### Drainage and flood risk issues

- 10.37 An indicative drainage scheme has been submitted with the application. This shows how the site could be drained and includes a surface water attenuation tank within the site and a connection to an existing watercourse further to the south of the site.
- 10.38 Kirklees Lead Local Flood Authority (LLFA) has assessed the indicative drainage scheme and has raised concerns with the proposed discharge rate and the location of the surface water storage facility. They have also commented that arrangements will need to be put in place for the future maintenance and management of any surface water drainage infrastructure.
- 10.39 The applicant is not seeking approval of the drainage scheme at this stage and officers are satisfied that in principle a suitable drainage scheme can be agreed. It is appropriate for this to be secured by condition.
- 10.40 The site lies within Flood Zone 1 and there are not considered to be any significant flood risk issues associated with this site.

#### Ecology and trees

- 10.41 The application is supported by an ecological appraisal. This confirms that the habitats present on the site are generally of limited botanical diversity. However, the marshy grassland/rush pasture habitat that occupies approximately 20% of the site is a relatively uncommon habitat and as such contributes to the biodiversity of the site and surrounding area. This habitat is likely to support common amphibians and a diversity of invertebrate species. Although not specifically protected, retention of this particular feature is desirable, in accordance with the mitigation hierarchy described in policy PLP 30 of the emerging Local Plan and guidance in Chapter 11 of the NPPF. If it is not practical to retain this feature then it should be compensated for within any future layout. The ecological appraisal recommends that an area of marshy grassland or a permanent water body with a wide belt of marginal vegetation is provided as part of the development. This can be addressed through a condition and consideration of layout and landscaping at reserved matters.

10.42 There are a number of trees within the site which are concentrated to the western and southern site boundaries. These trees do not meet the criteria for a new Tree Preservation Order (TPO) to be served and future landscaping proposals can mitigate any tree loss. There is an area of protected woodland to the south west of the site and a single protected tree close to the western site boundary. These features will need to be taken into account when layout is considered at reserved matters stage.

#### Air quality:

10.43 NPPF Paragraph 109 states that “ the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....”

10.44 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO<sub>2</sub>.

10.45 An air quality impact assessment was submitted for the recently approved development of 95 dwellings adjacent to the site (application reference 2017/90180). Under that application it was accepted that the air quality impacts would be imperceptible having regard to national guidance. Given the limited size of the proposal site it is considered that there would also be an imperceptible impact on air quality. The provision of electric vehicle charging points within the development and a contribution towards sustainable travel would also help to mitigate the limited air quality impacts of the development.

#### Planning obligations

10.46 The council's interim affordable housing policy requires 20% of units to be affordable on developments of more than 10 dwellings. The number of dwellings is not known at this stage and so it is considered appropriate for a condition to be imposed to secure affordable housing provision in the event that the development meets the threshold.

10.47 Policy H18 of the UDP requires public open space to be provided on sites that exceed 0.4ha. The site exceeds 0.4ha and therefore triggers a requirement for POS. Any development over 5 dwellings would also require a Local Area of Play (LAP) to be provided. It may not be practical for publicly accessible open space and a LAP to be provided on the site in which case a financial contribution in lieu of on-site provision would be necessary. Given that the layout is not under consideration at this stage it is considered that a condition securing POS and a LAP is necessary.

10.48 The trigger for an education contribution is 25 dwellings. This number of dwellings is highly unlikely to be appropriate on the site in which case an education contribution would not apply. A condition can nevertheless be imposed to cover an education contribution given that the number of dwellings is not known at this stage.

- 10.49 Given the number of units that the site could potentially accommodate it would be appropriate to consider a contribution towards sustainable travel. This would normally be towards Metro Cards or other highway/transport improvements in the vicinity of the site. The level of contribution would need to reflect the number of houses and so an exact figure could not be calculated at this stage. One Metro Card costs around £491. This can be secured by condition.
- 10.50 A contribution is also sought towards planned highway improvement works at the Halifax Road/East Street (Cavalry Arms) junction. These works include road widening, resurfacing, repositioned pedestrian crossings and repositioned footways. The scheme is being funded by the West Yorkshire plus Transport Fund. A contribution towards works at this junction was secured as part of the Harron Homes development (2017/90180) and it is considered reasonable for the proposed development to deliver a proportionate contribution. This would be based on the number of houses on the site which is to be agreed as reserved matter (layout). The contribution would be approximately £790 per dwelling.

### Representations

- 10.51 14 representations have been received, including a number of duplicate representations. An officer response to the issues raised is provided below.

- Proposed access does not take into account the access for the development site to the north. In effect a cross roads will be created.

**Officer response:** Officers consider that the location of the proposed access is the most suitable location for the reasons set out in this report. It is unlikely that traffic will be moving across Yew Tree Road between the application site and the development site to the north and vice versa.

- Local roads already congested; this development combined with other approved developments in the vicinity will exacerbate this situation

**Officer response:** Officers consider that the modest increase in vehicle movements that this development would generate can be accommodated on the highway network. This is supported by the site's allocation for housing in the emerging Local Plan. Localised highway improvement works are also to be delivered within the vicinity of the site under planning permission 2017/90180 which is under construction.

- Increased risk of accidents

**Officer response:** Officers consider that a safe access to the site can be delivered.

- Development should be refused pending improvement works to A629 Halifax Road

**Officer response:** A contribution towards planned improvement works to the A629 is sought as part of this application.

- A contribution towards the improvement of pedestrian and cycle routes in the vicinity should be sought

**Officer response:** A contribution towards sustainable travel is considered to be appropriate. This could be used towards improvements to the local public footpath network.

- Detrimental impact on amenity value and public enjoyment of public footpath 405.

**Officer response:** This footpath lies to the west of the site and is reasonably well separated from it (circa 25m). As such officers do not consider that the proposal would have any significant detrimental impact on the footpath.

- Detail of scale required

**Officer response:** Scale is a reserved matter. The site is largely flat and officers are satisfied that an acceptable scale of development can be agreed that reflects existing and planned development within the surrounding area.

- Visually intrusive

**Officer response:** Matters of scale, layout and appearance are reserved for future approval.

- Detrimental impact on air quality
- Air Quality Management Area in place at Birchencliffe/Ainley Top

**Officer response:** Air quality has been addressed at paragraphs 10.43-10.45 of this report.

- Disruption to wildlife

**Officer response:** The ecological impacts have already been addressed within this report.

- Pressure on local schools and medical services

**Officer response:** A contribution towards education would only be required if the scheme that comes forward at reserved matters is for 25 dwellings or more, which is likely.

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDLP policy PLP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges 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. Therefore, additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL).

## Other Matters

- 10.52 The application is supported by a preliminary geoenvironmental appraisal. This has been assessed by Environmental Services who recommend that conditions are imposed requiring intrusive site investigations and a remediation strategy, as may be necessary, to address potential land contaminated issues.
- 10.53 The site lies within a high risk area for coal mining activity. The preliminary geoenvironmental appraisal identifies that the application site is likely to have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site. The Coal Authority records also indicate the presence of a recorded mine entry (shaft) within 20m of the site boundary however the shaft would not impact on any development layout. The Coal Authority raises no objections to the application subject to conditions requiring intrusive site investigations (including gas monitoring) to determine any necessary remedial measures.

## **11.0 CONCLUSION**

- 11.1 The application is seeking approval of the principle of residential development on the land and the main point of access.
- 11.2 Officers consider the principle of development on this part of the POL allocation to be acceptable; there are not any specific constraints to developing the site and applications for residential development have recently been approved on other parts of the POL allocation, including a scheme for 95 houses. Furthermore the land is allocated for housing in the emerging Local Plan and significant weight can be afforded to this.
- 11.3 The proposed point of access is considered to be acceptable to Highways Development Management.
- 11.4 The development will contribute towards the delivery of new housing in the district and subject to the number of units could deliver a proportion of affordable houses. The scheme will also deliver POS provision and a contribution towards off-site highway improvement works.
- 11.5 Officers are satisfied that an appropriate scheme can be brought forward that respects the character and visual amenity of the area and protects residential amenity. Ecological and drainage considerations can be dealt with by conditions.
- 11.6 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.
- 11.7 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard conditions for outline consents (including submission of reserved matters and time limit)
2. Intrusive site investigations and remediation to address coal mining legacy issues and contaminated land issues
3. Detailed drainage design including future maintenance and management of surface water infrastructure
4. Provision of footway to site frontage
5. Noise report and mitigation
6. Ecological Design Strategy (including retention/provision of wetland area and biodiversity enhancement)
7. Electric vehicle charging points to be provided
8. Affordable housing
9. POS
10. Education
11. Sustainable travel contribution
12. Construction management plan
13. Detailed road junction design

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90151>

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