
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 05-Jul-2018****Subject: Planning Application 2018/91078 Erection of 82 dwellings, landscaping and associated works Land off Crosland Road, Oakes, Huddersfield, HD3 3PA****APPLICANT**Taylor Wimpey Yorkshire,
C/O Agent**DATE VALID**

03-Apr-2018

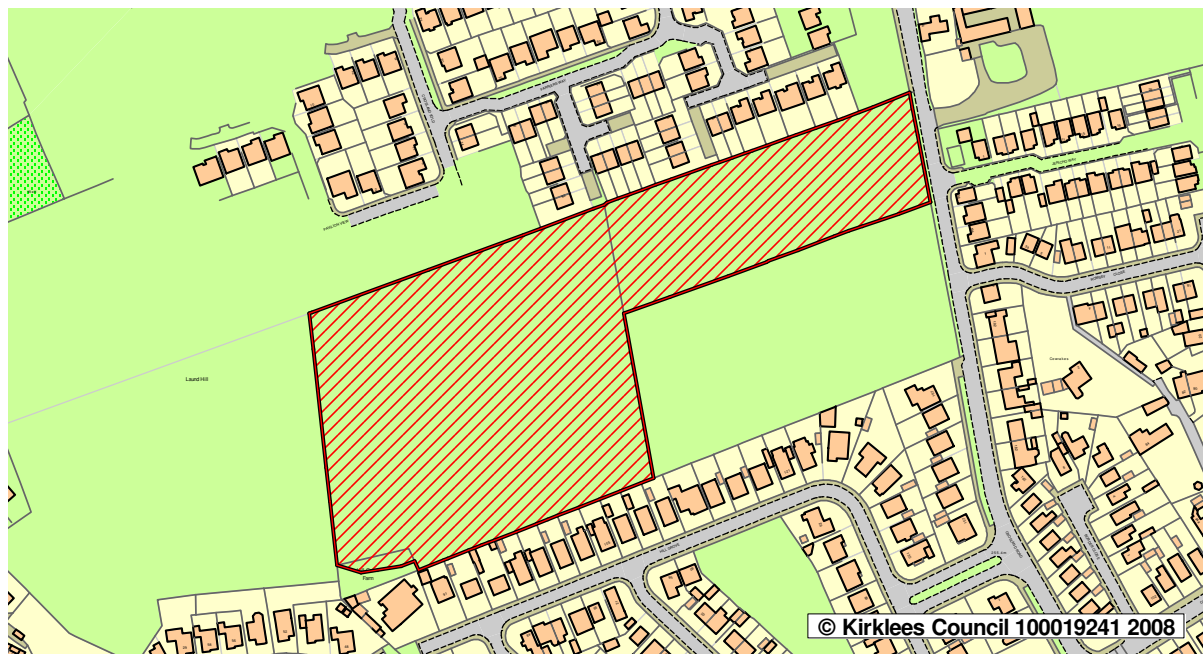
TARGET DATE

03-Jul-2018

EXTENSION EXPIRY DATE

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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: Lindley

Yes

Ward Members consulted
(referred to in report)

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 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum £319,724 and future maintenance and management responsibilities of open space within the site
2. Off-site highway works for junction improvements to Crosland Moor /Lindley Moor Road and traffic light improvements of £82,399;and £233,700 respectively) junctions
3. Contribution towards travel plan measures (£15,000 ie £3,000 per annum for 5 years
4. (20% or 16) of total number of dwellings to be affordable with a tenure split of 55% being Social Rented 45)% being intermediate
5. £167,327 towards Education requirements arising from the development
6. £65,490 towards Sustainable Travel Fund (inclusive of Travel plan monitoring) In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to Committee as the proposal is in excess of 60 no dwellings and the proposal represents a departure from the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprise an area of 2.74 ha, located on the western side of Crosland Road, Lindley. The site is currently green fields. The site is flanked to the south east by a small playing field, which contains a small pitch and a significant grouping of trees, and to the south west by the rear curtilages of dwellings on Hill Grove. Also there are a number of mature trees along this boundary that are covered by TPO.
- 2.2. To the north is the Peat Ponds development, which is a mixed use development comprising employment uses on the Lindley Moor frontage, and 252 dwelling. The dwellings are currently under construction which are currently under construction. On the opposite side of Crosland Road are dwellings.

- 2.3 The site is part of a much larger employment allocation on the unitary development Plan, and part of the area to the SW adjacent Hill Grove is allocated as a buffer zone. On the emerging Local Plan the site is part of a much larger mixed use allocation the mixed use being residential and employment.

3.0 PROPOSAL:

- 3.1 Full permission for the erection of 82 no dwellings is sought, a mixture of detached, semi-detached and terraced properties. The dwellings are predominantly 2 no storey with a small number of 2 no storey with dormers.
- 3.2 Access is taken off Crosland Road, just to the north of the existing playing field. There is a considerable area of green space adjacent to the access and it is approx. 25/ metres back from Crosland Road, before the first housing is proposed. Given that the site is roughly "L" shape the majority of the development is in the western portion, which is served by a loop road.
- 3.2 There is a pedestrian link between this site, and the Peat Ponds development to the north (sited in between plots 25 and 26), which will afford easy and quick pedestrian access to the Heatherleigh playground.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Previous applications on this site and Housing allocation H8.17 are listed below:

98/992536 - Erection of 325 dwellings and garages

98/92256 - Provision of public open space and landscaping

- 4.2 Both of these were dealt with by the Secretary of State following a public inquiry and the residential appeal was dismissed on the grounds there was a supply of previously developed land for development, and as such release of the green field sites was premature.

- 4.3 The appeal for the open space was allowed.

2000/93276 - Outline application for employment and business use comprising industrial, commercial and storage units with ancillary facilities, road and parking- Withdrawn August 2005.

2009/92550 - Outline application for a Data campus and formation of access from Lindley Moor Road. (This is the same site as the current application) Refused.

- 4.4 Reason for refusal:

"The application relates solely to part of an industrial allocation, B8.1 in the Kirklees Unitary Development Plan. Footnotes specify that this allocation should be developed comprehensively with Housing allocation H8.17. As such the application is contrary to the Kirklees Unitary Development Plan."

- 4.5 This was the subject of appeal which was withdrawn following the approval of 2011/91518 (listed below).

- 4.6 2011/91518 - Outline application for Data Centre Campus with formation of access off Lindley Moor Road. Approved subject to a Section 106 agreement
- 4.7 2011/91519 - Full application for residential development (294 units) and associated works including the demolition of existing buildings, construction of new accesses from Cowrakes Road and Weatherhill Road, footpath, drainage, earthworks, provision of public open space and landscaping. Approved subject to a Section 106 agreement
- 4.8 NB Both of the above applications were considered concurrently and in relation to a comprehensive development framework. Both of the Section 106 agreements include an appropriate financial contribution towards infrastructure improvements within the area.
- 4.9 2014/92214 – Full application for 30 no dwellings. Approved subject to a Section 106 Agreement
- 4.10 2014/93136- Outline application for industrial development(class B1c, B2 and B8) Plot A-(160,000sq ft/14,846 sq m) with engineering works to form a development plateau, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B-(50,000 sq m/4,684 sq ft) unit access off Crosland Road; and Plot C detailed application for 252 dwellings with access off Crosland Road with engineering works to create underground drainage attenuation provision of open space and landscaping. Approved subject to a Section 106 Agreement
- 4.11 2016/92870 -Reserved Matters for the erection of industrial unit on Plot A1- Approved and currently under construction.
- 4.12 2016/90613- Reserved Matters application for industrial unit on Plot B- Yet to be determined.
- 4.13 2016/92055 – Full application for the erection of 109 dwellings land off Crosland Road- Approved, and commenced.
- 4.14 2018/90074- Erection of motor dealership on Plot A2 ,Lindley Moor Road- Approved.

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

- 5.1 This proposal was the subject of a pre-application enquiry 2017/90257.
- 5.2 Amendments have been sought to the layout in a number of ways:
- re-siting of a number of plots relative to protected trees on the southern boundary;
 - formation of a pedestrian link between this site and the Peat Ponds development to the north, to improve permeability and afford easier pedestrian access to the improved playing fields to the north;
 - minor changes to layout for parking/ turning purposes;
 - additional street scene planting

6.0. RELEVANT POLICY

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The Council is currently in the process of reviewing

its development plan through the production of a Local Plan. 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 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. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Development Plan:

6.3 Site allocation:

6.4 The site is allocated for business in the UDP, general industry and storage and distribution use (allocation B8.1) whilst the southern and eastern parts are allocated as buffer zone to the employment allocation. (Policy B3).

6.5 Allocation B8.1 is subject to a series of footnotes:

6.6 Footnote 6 - In order to assess the traffic effect of the allocation, further detailed work (including, where appropriate, analysis of a traffic impact assessment) will need to be undertaken by the Highways Agency to ensure that traffic can be accommodated satisfactorily on the trunk road network. Where this is not possible, but could become so by remedial highway improvements, the Highway Agency will seek the attachment of appropriate planning conditions relating to the commencement or occupancy of the development prior to the carrying out of such improvements. Where remedial works prove not to be feasible or agreement as their scale cannot be reached with the developer, the Highways Agency might have to direct refusal of the planning application, or if before the Secretary of State object to the proposal.

6.7 Footnote 9 - The maximum acceptable proportion of B8 floorspace shall be 20%.

6.8 Footnote 10 - The site shall be developed comprehensively with site H8.17.

UDP policies:

B1 – Employment needs of the district

B3 – Buffer zones

BE1 – Design principles

BE2 – Quality of design

BE9 – Archaeological value

BE10 – Archaeological evaluation

BE12 – Space about buildings

BE23 – Crime prevention

D6 – Green corridors

T10 – Highway safety

T14 – Safeguarding existing pedestrian routes

T16 – Providing safe and attractive pedestrian routes within new development,

T17 – Developments to meet the needs of cyclists

T19 – Parking standards

G6 – Land contamination
H1 – Housing needs of the district
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
EP6 – Noise generating development
EP11 – Ecological landscaping
EP12 – Overhead power lines
EP4 – Noise sensitive development

6.9 Emerging Local Plan

MX1911 Mixed use allocation (residential and employment).

PLP 3 Location of new development
PLP5 Master planning sites
PLP7 Efficient and effective use of land
PLP11 Housing mix and affordable housing
PLP20 Sustainable travel
PLP21 Highway safety and access
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio diversity and geo diversity
PLP32 Landscape
PLP33 Trees
PLP49 Educational and healthcare needs
PLP51 Protection and improvement of air quality
PLP53 Contaminated and unstable land

National Policies and Guidance:

6.10 National Planning Policy Framework;

Part 1 - Building a strong competitive economy;
Part 2 - Ensuring the vitality of town centres
Part 4 - Promoting sustainable transport;
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Promoting good design
Part 8 - Promoting healthy communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change.
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

6.10 Other Policy Considerations:

6.11 Interim Affordable Housing Policy

6.12 KMC Policy Guidance “Providing for Education Needs Generated by New Developments”.

6.13 Manual for Streets

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by site notices, neighbour letters and in the local press.
- 7.2 To date there have been 18 objections the main points of concern being;
- This is the last piece of greenery in the area, with all the surrounding land having been developed. This should be safeguarded, along with the mature trees on its boundary
 - An additional 82 dwellings will contribute even more traffic, on a network that is unable to cope, and result in hazardous road conditions for drivers and pedestrians.
 - The local schools and doctors surgeries are over subscribed
 - The local drainage problems will be exacerbated.
 - The scheme fails to provide any play areas for children
 - The proposal is contrary to the Councils own UDP which allocate the land for employment use.
 - The scheme will have an adverse effect on Air Quality, and does not reflect the existing Air Quality problems that exist in the area.

Lindley Moor Action Group.

The LMAG have submitted an objection to this proposal, below is their own summary and conclusion.

9.0 Conclusions

1. The requested change of use to make houses instead of employment would be a detrimental material departure from the UDP, so there must be a presumption of refusal.
2. The highways network is unable to accommodate the development for lack of capacity (particularly the Halifax Road corridor) and no credible improvements have been identified. Congestive failure of the roads is a material consideration for refusal.
3. The proposal would make worse the long-standing health problem of air pollution recently acknowledged by AQMA declarations in both the A629 and A643 corridors. Kirklees has committed to be compliant with national air quality standards by 2020. In the interim, any traffic generating local development should be refused until a credible and sustainable remedial plan of controls and measures can be introduced.
4. The proposed housing density is far short of that required to make a sustainable contribution to providing affordable accommodation.
5. Serious errors and/or omissions have been identified with documents submitted by Taylor Wimpey for drainage, air quality and community engagement.

10. Summary

The brave new world of the 1992 draft UDP promised 2000 permanent jobs for local people on strategic land allocated for employment as bed-rock industrial regeneration.

Contrast the 2018 reality of easy developer profits from unsustainable greenfield housing. 32 new jobs, few affordable houses for locals, commuters choking our air and roads, and precious green fields transformed to dormitory wasteland.

Compelling evidence of material grounds to refuse the application has been exhibited. Lindley Moor Action Group has confidence that Kirklees Metropolitan Council will find

courage to recall their strategic mission, listen to the people, and reject this application with vigour.”

- There has been one letter of support for the scheme.

7.4 Statement of Community Involvement

7.5 Prior to the application being submitted the applicant undertook a Community Consultation exercise involving a letter drop to approx. 200 dwellings in the vicinity, including Crosland Road, Hill Grove, Maplin Ave, Jericho Way, Harriers Way and Romsey Close.

2 comments were returned the points of concern raised were;
Drainage problems with the existing site
Increase in traffic; and
Dust and noise from traffic

The applicants response is that they have ,as part of the application , submitted a full Flood Risk Assessment, and Transport Impact Assessment, an Air Quality Assessment and Noise Report

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

Coal Authority- No objections subject to condition

Environment Agency-Views awaited

Yorkshire Water Authority- Views awaited

KC Highways DM – No Objections subject to conditions and appropriate financial contributions towards the surrounding infrastructure improvements, as required within the Comprehensive Development Framework

8.2 **Non-statutory:**

KC Environmental Health- No objections- recommend conditions regarding noise attenuation, decontamination and remediation and air quality.

KC Ecology- No objections in principle recommend conditions

KC Strategic Housing .There is a demonstrable need for affordable housing in this area. The Councils Interim Affordable Housing Policy would require 20% of the numbers ie 16 to be affordable.

KC Education Services. An education contribution of £167,327 is required in this instance. This would need to be secured via a Section 106 Agreement.

KC Landscape/ Parks- Would accept an off-site contribution towards improvements within the local area, in this case particularly the park at Heatherleigh. This contribution would amount to £ 319,724, and would need to be secured via a Section 106 Agreement

KC Trees A number of the plots on the southern boundary are too close to mature and protected trees, and need to be re-sited, also subject to adequate re-siting

recommend a condition requiring the submission of an Arboricultural Method Statement

Police Architectural Liaison Officer- No comments detrimental to the application.

9.0 MAIN ISSUES

- Principle of development
- Highways Issues
- Urban design issues
- Residential amenity
- Landscape/Bio-diversity issues
- Environmental Issues(Contamination; Noise and Air Quality)
- Drainage Issues
- Planning obligations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated for business and industry on the Unitary Development Plan. The proposal for housing would therefore result in the loss of land allocated from employment purposes.
- 10.2. Part 1 of the National Planning Policy Framework “Building a Strong and Competitive Economy paragraphs 18-22 are material considerations and in relation to employment sites paragraph 22 states:
- “Planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being used for that purpose.... Where there is no reasonable prospect of the site being used for the allocated employment purpose, applications for alternative uses of land and buildings should be treated on their merits having regard to the market signals and the relative needs of different land uses to support sustainable local communities.”
- 10.3 Given this sites location at the southern side of the Peat Ponds development, to the north and Hill Grove to the south, for employment development to take place 2 no 30 m buffer zones would be required one on the northern boundary and one on the south to safeguard existing residents from employment use. Given the size of the site this would effectively rule out any meaningful development area being left.
- 10.4 The buffer zone allocation on the south western part of the site, initially was to provide physical separation between dwellings on Hill Grove and the employment allocation. There is no requirement for buffer zones between 2 residential areas, and as such there is no objection to residential development within the site of the former buffer zone.

- 10.5. Paragraph 215 of the NPPF also states that due weight should be given to relevant policies according to their degree of consistency with the Framework, the greater the weight that may be given. With this regard paragraph 216 also confirms that from the date of publication, decision takers may also give weight to the relevant policies in emerging plans according to;
- The state 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);
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 10.6. The applicants have submitted information that the only viable use of this site is for a standalone residential scheme including supporting evidence from. The Employment Land Review that the site has not come forward for an employment use since the UDP's adoption in 1999. The applicant also contends that the site is not a new strategic employment site within the Draft Local Plan and that the site is not within an Employment Protection Area (as identified within the draft Local Plan) and that the site is part of a larger employment allocation part of which has been built out as industry and has extant permissions for employment, part of the site has been granted a residential permission (currently under construction).
- 10.7 It is worth noting that this site and the balance of allocation B8.1 Draft Local Plan is allocated as potential mixed use development (residential and employment).
- 10.8 Paragraph 49 of the NPPF, presumes in favour of sustainable development, and indicates that housing policies should not be considered up to date if the Council is unable to demonstrate a 5 year supply of deliverable housing land. Currently the Council is unable to demonstrate a 5 year supply of deliverable housing land. In this respect recent appeal decisions have confirmed that given the lack of a 5 year supply the Councils housing land policies in the UDP are out of date, and this has been afforded considerable weight in allowing those appeals.
- 10.9. As such the lack of an adequate land supply in itself is a relevant and material planning consideration as is the provision of 82 additional dwellings that would help address the shortfall.
- 10.10. Given the size of the site and the numbers of dwellings proposed, the Councils policies regarding the provision of Affordable Housing; Provision of public open space; and Education contributions are all relevant
1011. Policy compliant contributions for this development would be:
- Affordable Housing- 20% of numbers ie 16 units split between 55% social rental and 45% Intermediate.
 - Off- site POS contribution £319,724;
 - Education contribution £167,327

- 10.12. The applicant has not raised any issues of viability on this scheme and have agreed to the above contributions.

Highways Issues

- 10.13 The application is a full planning application for 82 dwellings at Crosland Road, Lindley Moor, Huddersfield.

Highways related documents submitted with this application are as follows:

- Transport Assessment dated February 2018;
- Residential Travel Plan Framework dated March 2018.

- 10.14 One point of vehicular access is proposed via a simple priority junction off Crosland Road.

- 10.15 .Potential development at the application site was previously considered as part of a comprehensive framework masterplan which proposed a quantum of residential and employment development across a number of sites at Lindley Moor. The masterplan was accompanied by a comprehensive transport assessment which estimated person and vehicle trips for the whole of the development area so that the full traffic impact from all masterplan sites could be assessed and appropriate mitigation measures identified. The mix of development has changed since the original masterplan and comprehensive transport assessment were prepared in 2011.

- 10.16. The difference in expected traffic generation for the application site (Character Area 3 of the comprehensive masterplan) has been assessed by the applicant and shows an increase of 3 two-way trips in the AM Peak and 16 two-way trips in the PM Peak over and above those assessed in the comprehensive framework.

- 10.17 Baseline counts were undertaken in January 2018 along Crosland Road and at the Lindley Moor Road and Cowrakes Road junctions. These show a two-way flow along Crosland Road of 421 vehicles in the AM Peak and 436 vehicles in the PM Peak.

- 10.18 The estimated generation for this application for 82 dwellings is 9 inbound and 29 outbound trips (38 two-way) in the AM Peak and 32 inbound and 18 outbound trips (50 two-way) in the PM Peak. Once these trips are distributed to the network, two-way flows result on the main approach routes as follows:

- Crosland Road – south of site entrance: 21 in AM Peak and 27 in PM Peak
- Crosland Road – north of site entrance: 17 in AM Peak and 23 in PM Peak
- Lindley Moor Road – west of Crosland Road:1 in AM Peak and 1 in PM Peak
- Lindley Moor Road – east of Crosland Road:16 in AM Peak and 22 in PM Peak
- Cowrakes Road – east of Crosland Road:4 in AM Peak and 5 in PM Peak
- Moor Hill Road – west of Crosland Road:2 in AM Peak and 3 in PM Peak

- 10.19 The applicant has carried out capacity testing at three junctions:
- Site access junction with Crosland Road;
 - Crosland Road / Cowrakes Road / Moor Hill Road; and
 - Lindley Moor Road / Crosland Road (signalised layout).
- 10.20. Junction capacity testing has been carried out for the future design year of 2026 in both the AM and PM Peak hours. Flows used for assessment comprise the 2018 baseline flows, the flows associated with the full development of the sites currently being built out along Crosland Road and Lindley Moor Road, the development proposal and traffic growth to 2026.
- 10.21. The site access junction will work within recognised thresholds of capacity with no delay and no queueing. The Cowrakes Road / Crosland Road priority crossroads will work within recognised thresholds of capacity and shows maximum queues of 4 vehicles in the AM Peak and 3 vehicles in the PM Peak. The Lindley Moor Road / Crosland Road junction (in its future signalised state) is found to operate satisfactorily within recognised thresholds of capacity. It is understood that the applicant will be making a contribution to this junction improvement based on their impact calculated on their share of trip generation from development sites along Crosland Road. This is calculated at approximately **£82,000**.
- 10.22. The flows added to the network beyond these junctions are minimal and therefore additional junction testing has not been undertaken. However, the applicant will be making a contribution of approximately **£234,000** to the Ainley Top and East Street works in line with the comprehensive masterplan and the comprehensive transport assessment
- 10.23 Road traffic collisions have been investigated by the applicant for the five year period to February 2018. This shows eight collisions at the Lindley Moor Road / Crosland Road junction and two collisions at the Cowrakes Road / Crosland Road junction. The Lindley Moor Road junction is clearly a collision hot spot but the imminent signalisation of the junction will address this issue. There are no other road safety concerns.
- 10.24 A review of the on-site parking provision has been undertaken and shows a provision of 2 spaces per unit plus visitor parking. This is consistent with Kirklees Council parking standards. The internal highway layout has been reviewed and is agreed in principle only and may be subject to change during the Section 278 / Section 38 design process to achieve a design solution that addresses all the requirements of Kirklees Highways.
- 10.25. As part of the wider development proposals for Lindley Moor, an improvement scheme has been produced for Crosland Road. It is vital that the proposed access junction to the application site dovetails with the Crosland Road design and it is acknowledged that the applicant has liaised with Kirklees Highways to arrive at the current site access design. However, while the design of the simple priority junction with sight lines of 2.4 x 43 metres is agreed in principle, Kirklees Highways reserve the right to amend the design as part of the Section 278 process to ensure the two designs marry up.
- 10.26 The applicant has presented details about the accessibility of the site by non-car modes. Bus stops are located within 400m of the site on Cowrakes Road and Crosland Road where access to frequent bus services can be gained

WYCA have also been consulted who raise no objection but do recommend the improvement of bus stop number 22769 on Crosland Road at a cost of **£10,000** and the establishment of a sustainable travel fund at a cost of **£40,590**. A residential travel plan framework has been presented by the applicant. This sets out measures to encourage walking, cycling, the use of public transport and car sharing and sets out a target of reducing single occupancy car use in the peak hours by 10% over a five year period. Kirklees Highways have reviewed the travel plan and accept the principles but require further refinement of the travel plan. A condition will be imposed to require the provision of a full residential travel plan. The applicant will also need to fund the annual monitoring of the travel plan over a five year period at a cost of **£3,000** per annum(total £15,000 over 5 years).

- 10.27. On the basis of this analysis, Kirklees Highways consider the proposals acceptable, subject to conditions

Urban Design issues

- 10.28 The proposal delivers 82 no dwellings at a density of just under 30 per ha. This is considered to be an efficient use of this site, and a compatible density with the surrounding area, and the neighbouring developments on both Peat Ponds and the opposite side of Crosland Road.
- 10.29. The dwellings are predominantly 2 no storey with one 4 no pairs of semi - detached properties with dormers. The scale and mixture of dwelling types is consistent with the neighbouring development, and considered appropriate for this area. The palate of materials a mixture of brick types are already being used on the neighbouring development.
- 10.30. The site frontage onto Crosland Road is relatively narrow and the access road is flanked by an area of green space, which links up to the neighbouring playing field to the south. Also on the Peat Ponds development to the north the dwellings are set back from the back edge of the road. As such this is a consistent feature for the entire length of the western side of Crosland Road. The stone wall that marks the boundary at this point will be set back and reinstate to enable the provision of a footpath to link up with the footpath being provided to the north.
- 10.31. The first houses off the new access are set back approx. 50m from the back edge of the road, with the dwellings facing the road, the bulk of the housing is located to western side of the site, and is screened from view by the existing trees on the neighbouring playground. There are also a number of mature protected trees adjacent the south west boundary. These tree are for the most part within the curtilages of existing dwellings on Hill Grove, but the canopies extend over the boundary. The siting of dwellings along this boundary of the site has been adjusted to ensure that these trees can be retained.
- 10.32. Within the site there is a variety of house types which results in a varied frontage and roof scape. Two small groups of dwellings that provide front garden parking only, are sited at right angles off the main estate road, resulting in substantial front garden and planting areas within the prevailing street scene.
- 10.33. There is a pedestrian link between this site and the neighbouring Peat Pond scheme, affording an easy pedestrian link to the nearest playground area, also there is a small access link on the SE boundary to the neighbouring playing

field. As such it is considered that the scheme delivers permeability across the site.

Residential Amenity

- 10.34. The nearest dwellings to this site are located to the south and south west on Hill Grove, and also 3 dwellings on the neighbouring on the Peat Ponds scheme now under construction. The back to back distances between the proposed dwellings and existing properties on Hill Grove are all well in excess of the Councils space about buildings standards , being between 25 and 30 m apart. There are no significant levels issues at this point, and a number of the Hill Grove properties have mature trees in the garden , that are not affected by the proposed layout so a substantial degree of screening is retained , behind no's 101-111, Hill Grove. The space between proposed plot 36, and the 3 new dwellings is in excess of the Councils space about buildings policy , but it is recommended that a condition be added specifically to that plot which removes the right to insert windows in the gable.
- 10.35. Within the site the site layout the Councils space about buildings are satisfied both in terms of back to back distances, and front to front distances across roads. There should be no problems regarding lack of privacy, and satisfactory garden and amenity space for each dwelling has been provided.
- 10.36. A Noise Report has been submitted with the application which relates to potential traffic noise from Crosland Road. The report recommends mitigation for a number of the plots ie those closest to Crosland Road. It is proposed to condition a noise attenuation scheme for those identified plots, in order to protect their future residential, amenity.

Landscape/Bio diversity Issues

- 10.37. There are a number of trees along the southern boundary that are protected , and a significant group of trees within the neighbouring playing field are unaffected by this scheme, and make a positive contribution in terms of both visual amenity, and bi diversity. The application site itself is currently fields and mainly semi improved grassland. There. An Ecological Survey has been submitted together with an Ecological Impact Statement and suggested mitigation measures.
- 10.38. Both policy PLP30 of the Emerging Local Plan, and the guidance in part 11 of the NPPF "Conserving and enhancing the natural environment." Require the enhancement of development sites in bio- diversity terms, and there are significant opportunities to achieve this on this site. In addition to the provision of bird and bat roost opportunities within the development has been suggested within the mitigation scheme, the green space at the entrance and the verge along the southern edge of the access road offer opportunity for enhancement,.
- 10.39 The indicative drawing shows these areas as mown grass. This is not considered to optimise the bio diversity potential of this site, and as such a condition requiring a landscape scheme and also an Ecological Management Plan is recommended. The whole of the Lindley Moor allocations, both residential and employment, contains a network of green corridors and areas of green space, that not only make a positive impact on the appearance of the area, but cumulatively deliver bio diversity enhancement across the wider area.

The Ecological Management Plan conditioned should be Consistent and adopt the same principles as those already provided and agreed on neighbouring sites.

Environmental Issues- Decontamination/ remediation; Noise and Air Quality

- 10.40 Contamination- A Phase 1 Contaminated Land report has been submitted indicating that there is very little if any contamination on the site. This is accepted by Environmental Health who raise no objection subject to an appropriate condition intended to deal with unexpected contamination. The site is capable of being remediated to safely receive new residential, development.
- 10.41 Noise - A Noise Report has been submitted which identifies noise attenuation measures for a number of dwellings facing onto Crosland Road. This attenuation will be secured via condition. The remainder of the site is set well back from Crosland Road, and the majority of the development is screened by the planting on the neighbouring playing field, and as such excessive noise is not considered to be an issue.
- 10.42 Air Quality .An Air Quality Statement has been submitted with this application, and updated information also received. Given the scale of the development this scheme qualifies as a major scheme under the terms of the West Yorkshire Low Emissions Strategy, and has to be considered against that criteria. The Air Quality Survey, has identified the levels of additional emissions generated by the dwellings as having a negligible effect on the sensitive receptors, ie nearby housing.
- 10.43 In accordance with the technical guidance the extent of the emissions increase has been quantified in monetary terms as being £43,457.34 total cost over a 5 year period. The suggested mitigation takes the form of the production of a Travel Plan, the monitoring of that travel Plan for a period of 5 years, and also a sustainable transport fund (provision of METRO passes). Also the provision of additional pedestrian links across the site to improve pedestrian access to local facilities. All of the above fulfil the criteria as appropriate mitigation. The monetary value of this mitigation exceeds the cost over 5 years, and as such the impact on air quality from this scheme has been demonstrated to be at least neutral.
- Sustainable travel fund- £40,590
 - Bus Stop real time display £10,000
 - Travel Plan Monitoring costs£15,000- total £65,490
- 10.44 The above identified mitigation measures, are in addition to the provision of charging points for low emissions cars across the site that will be the subject of a condition.

Drainage issues

- 10.45 The site is located within Flood Zone 1(ie: the area least likely to flood. Given the size of the site a Flood Risk Assessment has been produced to cover surface water issues. No objections have been received from the Environment Agency, and The Yorkshire Water Authority, have recommended conditions.

10.46. The scheme is located to the south of an existing approval that is under construction, and of which a drainage strategy has been agreed and is being implemented/monitored. Clearly this application will need to “slot in” to the already agreed scheme and achieve the same levels of run off and on site attenuation. These matters can be covered by condition, as has been agreed on neighbouring residential developments on either side of Crosland Road .

Planning obligations

10.47 Policy compliant contributions in this case would be:

Affordable Housing-20% ie 16 units 55% social rental and 45% intermediate;
POS off site contribution of £319,724;
Education Contribution of £167,327

10.48 .Highways and Traffic related contributions required are:

- Lindley Moor/Crosland Road signals- £82,000
- Ainley Top/ East Street improvements- £234,000
- Bus Stop real time information-£10,000
- Sustainable travel fund-£40,590
- Travel Plan monitoring fee £15,000(£3,000 per annum for 5 years).

10.49. These above contributions will form the heads of terms for a Section 106 Agreement that will need to be signed before a permission is issued.

11.0 CONCLUSION

11.1. Whist this site is part of a larger allocation for employment, and also contains a buffer zone, the development of neighbouring sites, also allocated for employment, has been agreed and these sites are now being built out. As such the principle of housing on this site is justified, not only in terms of the shortfall of a deliverable 5 year housing land supply, and the provision of much needed housing, but also physically, what has been approved to the north (housing as part of the Peat Ponds mixed use approval), and the location to the south of dwellings on Hill Grove, the use of the land for Employment use would be incompatible, and conflict with the neighbouring residential uses. Given that the site is being developed for housing, there is no requirement or justification for the provision of a buffer zone.

11.2 The access and traffic measures proposed are acceptable for this site, and have been developed in accordance with the long established Comprehensive Development framework for the development of the entirety of the Lindley Moor allocations, both housing and employment. This has secured the necessary highway infrastructure improvements in the area, and this sites pro- rata contributions to the improvements will be secured as part of the Section 106 Agreement.

11.3 The scheme will deliver full policy compliant contributions towards affordable housing, provision of pubic open space, and education, as well as a sustainable Transport contributions and a Travel Plan.

11.4 The layout, scale and massing for the development is considered acceptable within this area, and respects the residential amenities of existing and future residents, and the bio diversity enhancement of the area can be secured via condition. The site is capable of being remediated to receive the new development, and technical issues such as drainage are covered by condition.

11.5 The scheme is recommended for approval subject to the signing of a Section 106 Agreement and the imposition of appropriate conditions that cover the issues listed below.

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

1. 3 years to commence development;
2. Development in accordance with approved plans.
3. Approval of materials
4. Approval of boundary treatments
5. Reinstatement of Crosland Road stone boundary wall
6. Landscape Scheme submission.
7. Ecological Management plan
8. Bio-diversity enhancement
9. Contaminated land/ remediation condition.
10. Noise attenuation
11. Remove permitted development rights/ insertion of windows Plots 36, and 51-54.
12. Drainage conditions-surface water
 - temporary drainage strategy
 - Overland flow routes
13. Highways conditions- Visibility, sight lines
 - Provision of footway on Crosland Road frontage
 - Parking areas provided surfaces and drained
 - Travel Plan and monitoring fee
14. Archaeological watching brief
15. Arboricultural Method statement
16. Provision of electric charging points

Background Papers:

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91078+>

Certificate of Ownership – Certificate B Signed Noticed Served on J M Fryer, F H Pasteur & E V Birrell

