
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/90941 Outline application for residential development Springfields, Mill Moor Road, Meltham, Holmfirth, HD9 5JYY

APPLICANT

C Dowling

DATE VALID

21-Mar-2018

TARGET DATE

20-Jun-2018

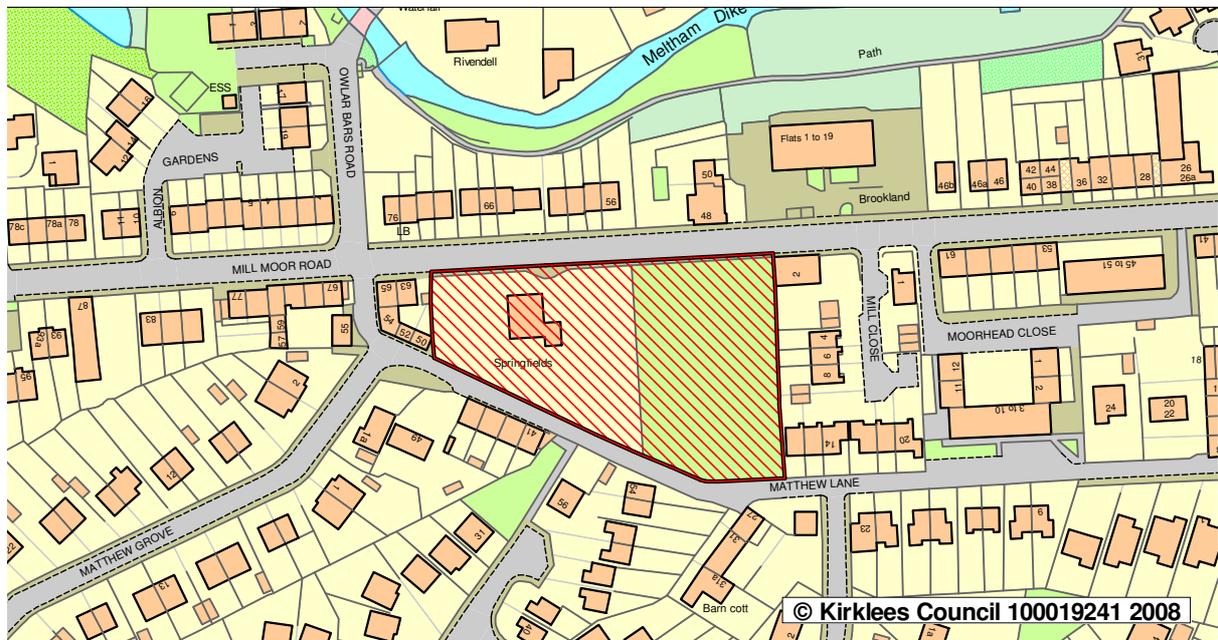
EXTENSION EXPIRY DATE

16-Aug-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

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.

1.0 INTRODUCTION:

1.1 This application is brought to the planning sub-committee for determination due to a significant volume of public opinion.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises an existing dwelling and associated curtilage, a small adjacent field which would appear to have been used for keeping livestock and grazing land and is located approximately 500m west of Meltham town centre. The site is roughly triangular in shape, occupies an area of approximately 0.4 ha and is bordered by Mill Moor Road to the north, Matthew Lane to the south and by residential properties off Mill Close to the east. The area surrounding the site is mainly residential in character although as one progresses west along Mill Moor Road towards Leygards Lane this changes markedly to a much more open rural character. The nearest existing residential properties border the site to east with others facing the site on the opposite side of Mill Moor Road to the north and Matthew Lane to the south.

3.0 PROPOSAL:

3.1 The applicant seeks outline planning permission for residential development on the site with all matters reserved except for access. Whilst not seeking approval for layout as part of this application the applicant has provided an indicative plan which shows the potential for the siting of 21 new dwellings on the site. The development of the site would involve the demolition of the existing dwelling and access to the site would be via a newly created estate road which would adjoin Mill Moor Road

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Records indicate that there have been no recent planning applications associated with the development of this site.

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

5.1 During the consideration of this application negotiations with the applicant resulted in the following:

- Additional information concerning visibility splays at the junction with Mill Moor Road, details of carriageway and footway widths, vehicle tracking information indicating refuse vehicle turning arrangements and details of junction radii
- The submission of a revised drainage strategy
- The submission of a Preliminary Ecological Assessment
- The submission of an emergence bat 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 48 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 (2018), 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:

G6 – Land contamination
NE9 – Mature trees
BE1 – Design principles
BE2 – Quality of design
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
EP4 – Noise sensitive development
T1 – Transport priorities
T10 – Highway safety
T14 – Pedestrian safety
T19 – Parking standards
H1 – Housing needs
H10 – Affordable housing

H12 – Affordable housing arrangements
H18 – Open space provision
R6 – Public open space

6.3 Kirklees Publication Draft Local Plan (KPDLP):

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP35 – Historic environment
PLP48 – Community facilities and services
PLP49 – Educational and health care services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP63 – New open space

6.4 Supplementary Planning Guidance / Documents:

Relevant guidance and documents are:

- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- National Planning Practice Guidance

6.5 National Planning Guidance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 8 – Promoting healthy and safe communities
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by the erection of 4 site notices in the vicinity of the site, the posting of 28 Neighbour notification letters and an advertisement in the local press. This resulted in 18 representations from members of the public being received. The issues raised can be summarised as follows:

- The proposal will lead to an increase in on street parking in the area
- Highway safety in the vicinity of the site will be detrimentally affected due to the increase a vehicles associated with this development
- Local infrastructure including doctor's/dentist's surgeries and schools are full and cannot accommodate further residential development
- As the level of the site is above the level of Mill Moor Road, the proposed houses would over shadow existing properties and block out natural light.
- The development would adversely affect local wildlife such as birds and bats
- The proposal would lead to the loss of valuable woodland habitat
- Excavating the site is likely to have an adverse effect on local drainage regimes which cross the site
- The original occupier of the land indicated that before her death, she did not want the site developed.
- The privacy of existing residents will be detrimentally affected as the houses would overlook the properties
- The construction of the site would lead to the unacceptable disturbance of nearby residents
- The outlook of existing residential properties would be adversely affected
- The scale and layout of the development would not be in keeping with existing development in the area
- Meltham is a tourist area and building more houses would have a negative impact on the numbers of people visiting the area
- There are plenty of brownfield sites in Kirklees that should be developed before this site
- The current sewage system in the area cannot accommodate additional capacity as a result of recent house building on Mill Moor Road

- This land has previously been used by the Air ambulance when conventional ambulances could not reach a casualty on Matthew Lane adjacent to this site
- The proposal would breach the Human rights of existing residents in that it would detrimentally affect their right to enjoy their homes
- The numbers of houses proposed would represent an over development of the site
- No detailed elevational drawings have been submitted to support this application
- This proposal would increase pressure on a highway system which is already struggling to cope with existing capacity
- There are plenty of brownfield sites in the district which could be developed before this site
- If this site is allocated as provisional open land (POL), then the site should be safeguarded in accordance with the requirements of the adopted Unitary Development Plan.
- No Environmental Impact Assessment has been carried out to support the application
- The applicant did not seek any pre-application advice prior to submitting their application which is evidence that they are only interested in making a profit
- Bearing in mind other recent development off Mill Moor Road, this proposal will put an unacceptable strain on the local drainage network and the works required to alleviate this would be such that the scheme is not viable.
- This proposal would result in unacceptable levels of noise due to the introduction of additional people and cars to the area.
- Mill Moor Road is already in a poor condition and the heavy vehicles required to develop the site will cause the surface of the highway to degrade further.
- This proposal does not provide adequate parking and will therefore lead to more uncontrolled on-street car parking
- This proposal is likely to lead to the instability of adjacent land due to the amount of excavation required
- Ward members were consulted on the proposal and the following comments were received in response:
- Cllr T Lyons – “Are you aware of the amount of houses? Will there be a pre-app meeting?”

- Cllr C Greaves – “Would you confirm whether this application will be going to committee, and on what date”
- Meltham Town Council was consulted on this application and indicated that it supported the proposal.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways – No objections subject to conditions that require:

- details of parking provision before development commences
- the provision of adequate sight lines at the junction of the site access with Mill Moor Road before development commences on site
- prior to occupation all areas to be used by vehicles to be surfaced and drained
- details of bin storage and access to be provided before development commences
- The provision of areas for the parking, loading and unloading of contractor’s vehicles
- The location and construction details of all retaining walls adjacent to exiting/proposed adoptable highways
- The location and construction details of new surface water attenuation tanks located within the proposed adoptable highway

8.2 Non-statutory:

K.C. Conservation and Design – No objection in principle but would like to see the layout amended at the reserved matters stage to ensure an open area is maintained between the row of listed cottages opposite the site on Matthew Lane and the new dwellings

K.C. Biodiversity Officer – Following the submission of additional information in the form of a Preliminary Ecological Assessment and bat emergence survey, no objection subject to planning conditions which require:

- Further bat survey work if a reserved matters application is not made within 2 years of the approval of the outline application.
- The removal of trees hedgerows and shrubs not taking place during the bird nesting season
- Landscape and layout shall to include an ecological design strategy

K.C. Environmental Health – No objection subject to the inclusion of planning conditions to deal with potential site contamination.

K.C Education - No comment as the site is less than 25 dwellings and is below the threshold for financial contributions to apply

K.C. Strategic Housing – Advise that 20% of the units on site should be set aside for affordable housing. The site currently includes an empty dwelling which would be demolished to accommodate the development of the site. Consequently the percentage of on site affordable housing this may be reduced if vacant building credit applies.

K C Landscape – Advise that the proposal requires the provision of 630 square metres of public open space or an off-site contribution to be used at a site within the Meltham area of approx. £100,451.00

Lead local Flood Authority – Following the submission of a revised drainage strategy, No objection subject to planning conditions which require:

- Details of foul and surface water drainage arrangements prior to development commencing
- Investigations to be carried out on site prior to development commencing to determine whether any ordinary water courses cross the site and the provision of a scheme to mitigate the impact on any such watercourses
- The submission of a scheme which restricts surface water discharge from the site to 3 litres per second prior to development commencing
- The submission of a scheme detailing temporary drainage arrangements during the construction of the development prior to development commencing

Yorkshire Water – No objection subject to a planning condition requiring the development to be carried out in accordance with the supporting drainage strategy unless otherwise agreed by the Local Planning Authority.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage/Flood risk issues
- Ecological issues
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

10.2 Paragraph 2 of the NPPF stresses that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.3 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees is a material consideration relevant to applications for residential development and weight can also be attached to the draft policies of the emerging Local Plan.
- 10.4 Therefore, the starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.5 However, paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted without delay unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.6 Kirklees is not currently meeting the requirement to identify the supply of housing land as required in paragraph 67 of the NPPF. This is therefore important in the context of paragraph 11 of the NPPF in that relevant UDP policies relating to housing must now be considered to be out-of-date.
- 10.7 Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites.
- 10.8 Having said this the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. 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.
- 10.9 The site is without notation on the UDP proposals map and policy D2 is therefore relevant to the assessment of this proposal .UDP policy D2 indicates that applications for development will be granted provided that proposals do not prejudice:
- i the implementation of proposals in the plan;
 - ii the avoidance of over-development;
 - iii the conservation of energy;
 - iv highway safety;
 - v residential amenity;
 - vi visual amenity;
 - vii the character of the surroundings;
 - viii wildlife interests; and
 - ix the efficient operation of existing and planned infrastructure.

10.10 With regard to policies in the emerging Local Plan, the site has not been allocated for any specific purpose. Bearing in mind the Local Plan is currently being examined, consideration must be given to the weight to be afforded to draft policies contained therein. Paragraph 48 of the NPPF sets out what weight can be given to 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 the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

As the Plan is currently being examined in public and is at an advanced stage, is considered that significant weight should be given to its policies.

10.11 Whilst the site has not been allocated for any specific purpose in both the UDP in the emerging local plan, this does not preclude its development for housing and this site can be considered as a windfall opportunity to address the current shortfall in the district's housing provision.

10.12 Given the issues above it is therefore considered that this proposal is acceptable in principle subject to there being no significant conflict with relevant UDP, emerging Local Plan or national planning policy guidance.

10.13 Urban Design issues

10.14 This application does not seek full permission for the layout, scale and appearance of the development. Consequently should this application be approved, it would not approve the numbers of dwellings on the site. Dwelling numbers would be the subject of a subsequent reserved matters application. However, the applicant has provided an indicative plan which demonstrates that the site could accommodate the scale of residential development suggested.

10.15 Having said this, it is considered appropriate at this stage to provide general comments on this indicative design. The design submitted with this application indicates an over dominance within the layout with regard to parking facilities and the general arrangement of the estate road and a lack of public open space provision. Consequently whilst it is considered by officers that there are no absolute constraints to developing the site for residential purposes, it is likely that the design of the layout at the reserved matters stage will require significant amendments to address Officer's concerns. The final numbers of dwellings is therefore likely to reduce in order to satisfactorily address these concerns.

10.16 Whilst issues relating to scale and design would be dealt with at the reserved matters stage, it should be noted that, whilst the wider area includes three storey properties, the residential properties off Matthew Lane and Mill Close, which are the closest to this site, are typically of two storey semi-detached or terraced design. It is therefore considered that two storey properties would be the most appropriate on this site in that they would respect the character of the surrounding residential properties.

10.17 There is a requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

10.18 The site is close to a terraced row of four Grade II listed cottages which are located off Matthew Lane to the south west of the site. These cottages are of a traditional weaver’s cottage design from the mid-19th century. The setting of these cottages includes the open aspect associated with the application site and a consequence this setting could be detrimentally affected as a result of this proposal. However, notwithstanding previous comments on the indicative design submitted with this application, Officers consider that the site is large enough to allow the final layout to be designed to ensure that the setting of this neighbouring heritage asset is not adversely affected.

10.19 It is therefore considered that, with regard to urban design, this principle of developing this site, including the point of access would accord with UDP policies D2, BE1 and BE2, KPDLP policy PLP 24 and Section 12 of the NPPF. This does not however, extend to the illustrative layout or numbers of houses indicated on that submitted layout

10.20 Residential Amenity

10.21 The closest residential properties to the site are off Mill Close to the east which abut the site although other residential properties are located in the vicinity off Matthew Lane to the south and Mill Moor Road to the north. All the aforementioned residential properties overlook the site and have outlooks which would be directly affected by this development to varying degrees. This site provides an open area which currently offers a break in the development along this part of Mill Moor Road. However it falls within, what can be described as, Meltham’s developed envelope and bearing in mind the current character of the area, it is considered that the development of this site for residential purposes would not have a significant detrimental impact on the area’s visual amenity.

10.22 This site is at a slightly higher level than residential properties located off Mill Moor Road. Consequently the layout and scale of the houses on this site would need to be carefully considered at the reserved matters stage to ensure their impact on existing residential properties is minimised.

10.23 Whilst it is accepted that the development of the site would lead to some inconvenience being experienced by the occupants of existing residential properties during the construction phase, this inconvenience would be for a temporary period only. The subsequent use of this site would lead to an increase in the numbers of people being present in this location and engaging in activities associated with the occupancy of residential properties. However, it is considered that this additional activity would not lead to any significant problems associated with noise.

10.24 This proposal would therefore accord with UDP policies D2, EP4, KPDLP policy PLP 52 and Section 15 of the NPPF with regard to the development’s potential impact on residential amenity.

10.25 Highway issues

- 10.26 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems.
- 10.27 The applicant has indicated that access to the site would be off Mill Moor Road via a purpose built junction. Officers consider that subject to the provision of adequate sight lines an access at this point could be satisfactorily designed.
- 10.28 Initially officers raised concerns that further information was required to assess the implications of this development on highway safety with regard to:
- Visibility splays at the junction with Mill Moor Road;
 - Carriageway and footway widths;
 - Refuse vehicle turning arrangements; and
 - Junction radii

However, following the receipt of additional information, Officers consider these issues have been satisfactorily addressed.

- 10.29 Although the final number of houses associated with this development would be determined at the reserved matters stage, the applicant has provided an indicative layout which is considered to represent the maximum number of dwellings which could be provided on this site. This would be an increase of 20 dwellings from the existing situation. The applicant has calculated that using a trip rate of 0.2 trips per hour per dwelling for arrival and 0.6 trips per hour per dwelling for departure in the AM peak; and 0.6 trips per hour per dwelling for arrival and 0.2 trips per hour per dwelling for departure in the PM peak; the traffic generated by the proposal is 16No. total per peak hour. This equates to one car every 3minutes 45 seconds.
- 10.30 Officers have previously carried out an assessment of the cumulative traffic impact on the surrounding highway network arising from a number of residential development sites within this part of Meltham. The assessment included capacity assessment of the Westgate/Station Street and Greens End Road/Station Street junctions.
- 10.31 The assessment sites included a proportion of the application site as well as development on a POL allocation to the west on Mill Moor Road, two housing allocations on Mill Moor Road, the development at the former Albion Mills, a housing allocation on Colders Lane and a small infill development on Matthew Lane. The assessment indicated that the Westgate/Station Street and the Greens End Road/Station Street junctions would continue to operate within accepted parameters during the morning and evening peak periods. Officers therefore consider that the local network would be able to accommodate the increased level of traffic associated with this development and this proposal would not therefore result in any significant detriment to the efficiency and safe use of the local highway network.

- 10.32 The indicative layout provided with the application submission indicates that each dwelling would have two off-street parking spaces, which is the required number for three bedroomed dwellings, although the final design would need to ensure that adequate visitor parking (one per four dwellings) is included.
- 10.33 It is considered that the details of parking, the design of the access road layout, highways retaining structures and drainage arrangements and construction vehicle management can be satisfactorily dealt with at the reserved matters stage.
- 10.34 It is considered that this proposal would accord with UDP policies T10, T19 and KPDLP policies PLP 21 and PLP22 with regard to its potential impact on highway safety in the vicinity of the site
- 10.35 Drainage/Flood Risk issues
- 10.36 The site is located within an area designated as Flood Zone 1 which is the least likely to flood. Consequently, as the site is less than 1 ha. there is no requirement to provide a Flood Risk Assessment to support this proposal.
- 10.37 This proposal would increase the impermeable area of the site by approximately 0.2ha. and therefore has the potential to adversely affect surface water run-off.
- 10.38 The National Standards for Drainage Systems (DEFRA) states that the following options should be considered for the disposal of surface water run-off in order of preference:
- Discharge to ground
 - Discharge to surface water body
 - Discharge to surface water sewer
 - Discharge to combined sewer
- 10.39 The applicant has produced a drainage strategy which indicates that the site is underlain by soils of poor infiltration potential and as a consequence the use of soakaways to manage surface water is not deemed suitable. Given the lack of a suitable surface water body, it is proposed to drain the site using separate foul and surface water sewers which then combine before discharging into the existing combined foul and surface water sewer in Mill Moor Road. The aforementioned drainage strategy indicates that surface water run-off would be managed at a discharge rate of 3.0l/s for all storm events up to and including a 1 in a 100 year event.
- 10.40 This proposed drainage solution has been considered by Yorkshire Water and, bearing in mind other recent developments in the area, has indicated that this method of draining the site is acceptable. Officers are therefore of the opinion that, whilst the area has seen a significant amount of development in recent years, the existing off-site drainage infrastructure can be utilised to accommodate the drainage requirements of the proposed development.

10.41 Whilst Yorkshire Water has raised no objection to the proposed drainage arrangements, the Lead Local Flood Authority (LLFA) has indicated that there may be the possibility of a more sustainable solution to draining the site. However the LLFA considers that such details can be resolved at the reserved matters stage via the inclusion of appropriately worded planning conditions as summarised in section 8 of this report.

10.42 This proposal would therefore accord with KPDL policy PLP28 and Section 14 of the NPPF with regard to drainage and flood risk.

10.43 Ecological issues

10.44 Paragraph 175 of the NPPF indicates that, when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This approach is echoed in KPDL policy PLP 30 which states:

“.....Development proposals will be required to:-

(i) avoid significant loss or harm to biodiversity in Kirklees through protection, mitigation and compensatory measures secured through the establishment of a legally binding agreement;

(ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;

(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;

(iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and

(iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

10.45 The applicant has provided a Preliminary Ecological Appraisal (PEA) which considers the potential for this proposal to adversely affect local ecology. This document concludes that the habitats on site are of a relatively low value and do not represent a significant constraint to development. However, it indicates that the existing bungalow may offer roosting opportunities for bats and recommended that an emergence survey be carried out to determine this.

10.46 The applicant therefore commissioned a bat emergence survey which did not record any bats using the existing building as a roost and concluded that:

- The existing dwelling on site is very unlikely to support roosting bats;
- The proposed works present little risk of impacting on bats and their roosts in this location; and
- No further survey work is deemed necessary to support these conclusions

10.47 Any subsequent reserved matters application would provide an opportunity to secure biodiversity enhancement as part of an agreed landscape scheme. It is therefore considered that this proposal would accord with KPDL policy PLP 30 and Section 15 of the NPPF with regard to habitats and biodiversity.

10.48 Representations

The proposal will lead to an increase in on street parking in the area.

Response: This proposal would include the provision of off-street parking which would be secured at the reserved matters stage as part of the detailed layout. This would alleviate potential on-street parking on the surrounding highway network associated with this development.

Highway safety in the vicinity of the site will be detrimentally affected due to the increase a vehicles associated with this development.

Response: Whilst the final number of houses would not be determined until the reserved matters stage, the applicant has indicated that, based on the indicative layout submitted with this application, additional traffic generated by this proposal would be a maximum of 16 trips per peak hour. It is considered that this additional increase can be accommodated by the local highway network. The cumulative impact of development along Mill Moor Road has also been taken into account in the assessment.

Local infrastructure including doctor's/dentist's surgeries and schools are full and cannot accommodate further residential development.

Response:

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDL 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).

With regard to local schools, this proposal is at a level where it does not trigger a contribution towards the provision of additional school places.

As the level of the site is above that of Mill Moor Road, the proposed houses would over shadow existing properties and block out natural light.

Response: As this application does not seek approval of the design and layout of the development, this matter would be fully considered at the reserved matters stage. Officers consider that whilst there is a change in levels, a scheme can be designed to mitigate the impact of such changes in levels and this issue is not an absolute constraint to developing this site.

The development would adversely affect local wildlife such as birds and bats.

Response: This matter has been considered in the section title "Ecology issues" which forms part of this report

The proposal would lead to the loss of valuable woodland habitat.

Response: The site only contains a small number of non-native tree species which are associated with the garden of the existing dwelling. It is considered the loss of these trees would not have a significant detrimental impact on local ecology and habitat opportunities could be enhanced as part of this proposal.

Excavating the site is likely to have an adverse effect on local drainage regimes which cross the site.

Response: It is acknowledged that investigations into existing drainage regimes will need to be carried out prior to the site being developed and measures may subsequently be required to satisfactorily deal with this matter. However, officers consider that this can be dealt with by the imposition of planning conditions requiring such investigations to be carried out before development commences on site.

The original occupier of the land indicated that before her death, she did not want the site developed.

Response: This is not a material planning consideration and cannot therefore be considered in the assessment of this application.

The privacy of existing residents will be detrimentally effected as the houses would overlook the properties.

Response: As this application does not seek approval of the design and layout of the development, this matter would be fully considered at the reserved matters stage. However, Officers consider that the site would allow a layout design which would meet the Council's UDP policy (BE12) which deals with appropriate space around building in new development.

The construction of the site would lead to the unacceptable disturbance of nearby residents.

Response: This matter has been considered in the section title "Residential issues" which forms part of this report

The outlook of existing residential properties would be adversely affected.

Response: Whilst it is acknowledged that this development would change the outlook of surrounding residential properties it is considered that on balance this proposal would not have a significant detrimental impact on local visual amenity.

The scale and layout of the development would not be in keeping with existing development in the area.

Response: As previously indicated these matters would be dealt with at reserved matters stage but officers consider the site would allow a layout design which would harmonise with its surroundings.

Meltham is a tourist area and building more houses would have a negative impact on the numbers of people visiting the area.

Response: Tourism and leisure forms an important component of the local Kirklees economy. However, the effects this proposal may have on local tourism must be balanced against the need for housing in the area. This area of open land is surrounded by existing residential development and whilst it currently presents a pleasant outlook, its influence on the character of the area is not considered to be significant. Consequently officers consider that any effect on tourism associated with the development of this site would be negligible.

There are plenty of brownfield sites in Kirklees that should be developed before this site.

Response: Whilst it is acknowledged that the development of Brownfield land would be a preferable option, this cannot act as a bar to developing Greenfield sites. The Council cannot prevent such applications and must assess the application based upon its merits, its likely impacts on the locality and bearing in mind the district's current lack of housing provision.

The current sewage system in the area cannot accommodate additional capacity as a result of recent house building on Mill Moor Road.

Response: This matter has been considered in the section title "Drainage/Flood Risk issues" which forms part of this report

This land has previously been used by the Air ambulance when conventional ambulances could not reach a casualty on Matthew Lane adjacent to this site.

Response: This matter is not a material planning consideration and therefore cannot be considered in the assessment of the application

The proposal would breach the Human rights of existing residents in that it would detrimentally affect their right to enjoy their homes.

Response: The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the Council considers that it will have acted proportionately and as such the decision to approve this application would not be a breach of the human rights of the existing surrounding residents.

The numbers of houses proposed would represent an over development of the site

Response: As previously indicated in this report this application does not seek approval for the numbers of dwellings at the site and this would be determined at the reserved matters stage. Officers consider that a layout can be designed which maximises the spaces available for housing whilst ensuring over development does not occur.

No detailed elevational drawings have been submitted to support this application.

Response: This is an outline application which does not seek approval for the design and layout of the site. As a consequence detailed elevational drawings are not required in support of this proposal at this stage.

This proposal would increase pressure on a highway system which is already struggling to cope with existing capacity.

Response: This matter has been considered in the Section title "Highways Issues"

If this site is allocated as provisional open land (POL), then the site should be safeguarded in accordance with the requirements of the adopted Unitary Development Plan.

Response: This site is unallocated on the UDP proposals map and is not therefore POL land.

No Environmental Impact Assessment has been carried out to support the application.

Response: A Preliminary Ecological Assessment and bat emergence survey have been produced to support this proposal, the conclusions of which have been included under the section title “Ecological issues”.

The applicant did not seek any pre-application advice prior to submitting their application which is evidence that they are only interested in making a profit.

Response: There is no requirement for pre-application advice to be sought prior to the submission of a planning application. The issue of making a profit by developing a site is not a material planning consideration other than its impact on affordable housing provision.

Bearing in mind other recent development off Millmoor Road, this proposal will put an unacceptable strain on the local drainage network and the works required to alleviate this would be such that the scheme is not viable.

Response: Yorkshire Water has indicated that it does not wish to object to the proposals put forward by the applicant with regard to how the site would be drained.

This proposal would result in unacceptable levels of noise due to the introduction of additional people and cars to the area.

Response: This matter has been considered in the section title “Residential Amenity”

Mill Moor Road is already in a poor condition and the heavy vehicles required to develop the site will cause the surface of the highway to degrade further.

Response: It is acknowledged that this proposal would require heavy vehicles to facilitate the development. However, potential resultant damage to the highway associated with such vehicles cannot act as a bar to developing the site. Should damage to the highway occur and it can be identified as being directly related to the development, then action can be taken by the Council to seek redress.

This proposal does not provide adequate parking and will therefore lead to more uncontrolled on-street car parking;

Response: This matter has been considered in the section title “Highways Issues”

This proposal is likely to lead to the instability of adjacent land due to the amount of excavation required.

Response: Whilst there are level changes from this site to that of Mill Moor Road which will require the excavation and removal of material, it is considered that this can be achieved without it affecting adjacent land stability. Details of how this would be achieved would be considered as part of a subsequent reserved matters application.

Ward members were consulted on the proposal and the following comments were received in response:

Cllr T Lyons – *“Are you aware of the amount of houses? Will there be a pre-app meeting?”*

Cllr C Greaves – *“Would you confirm whether this application will be going to committee, and on what date”*

Meltham Town Council was consulted on this application and indicated that it supports the proposal.

10.49 Other matters

- 10.50 As the site has the capacity to provide more than 10 dwellings then under the Council’s interim affordable housing policy, there is a requirement to provide an element of affordable housing on the site which would equate to 20% of the final number of dwellings. This outline application seeks to deal with the layout of the site as a reserved matter and the number of houses therefore would be determined at that stage. It is therefore proposed to include a planning condition which would require the submission and approval of details of affordable housing provision at the site prior to any development commencing. This would accord with UDP policy H10, KPDLP policy PLP 11 and Section 5 of the NPPF.
- 10.51 Given the size of the scheme, the provision of POS is a material consideration. In this case, due to the size of the site, the provision of on-site play equipment may not be feasible and an off- site contribution in lieu may therefore be appropriate. The Council’s Landscape Architect’s Team has calculated that, based on the scale of the development, an off-site contribution of £100,451.00 would be required if on-site POS is not to be provided. It is considered that this matter can be satisfactorily addressed through the use of planning conditions and via a planning obligation at the reserved matters stage and this proposal would therefore accord with UDP policies H18, R6 and KPDLP policy PLP63 with regard to public open space provision.

11.0 CONCLUSION

- 11.1 The application site is without notation on the UDP proposals map and is not allocated for any specific purpose in the emerging Local Plan. However, this does not preclude the development of the site for housing and as there is no significant conflict with relevant UDP, emerging Local Plan or national planning policy guidance, this proposal is considered to be acceptable in principle.
- 11.2 This application is for outline planning permission with all matters reserved except for access. This is considered as ‘point of access’ only. Consequently, whilst issues relating to appearance, landscaping, layout and scale will require careful consideration at the reserved matters stage, it is considered that the development of this site can be carried out in such a way that these matters can be satisfactorily addressed.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Standard timeframe for the submission of reserved matters
2. Requirement for reserved matters submission
3. Highways conditions (parking, sight lines, surfacing, waste collection, retaining structures and surface water attenuation)
4. Environmental Health Conditions (potential contamination, installation of electric vehicle charging points)
5. Drainage Conditions (surface water management, foul water and land drainage, Investigations to ascertain presence of ordinary water course, limits on surface water discharge rate, provision of temporary drainage)
6. Ecology condition (Further bat survey work if a reserved matters application is not made within 2 years, protection of trees/hedgerows during nesting season, submission of an ecological design strategy)
7. Provision of affordable housing
8. Provision of public open space contribution

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90941>

Certificate of Ownership –Certificate A signed: 15 March 2018