
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Aug-2018****Subject: Planning Application 2018/91256 Demolition of existing bungalow and erection of residential development of 23 dwellings Manor House Farm, Manor House, Flockton, Huddersfield, WF4 4AN****APPLICANT**Andrew Spiers, Rouse
Homes Ltd**DATE VALID**

12-Apr-2018

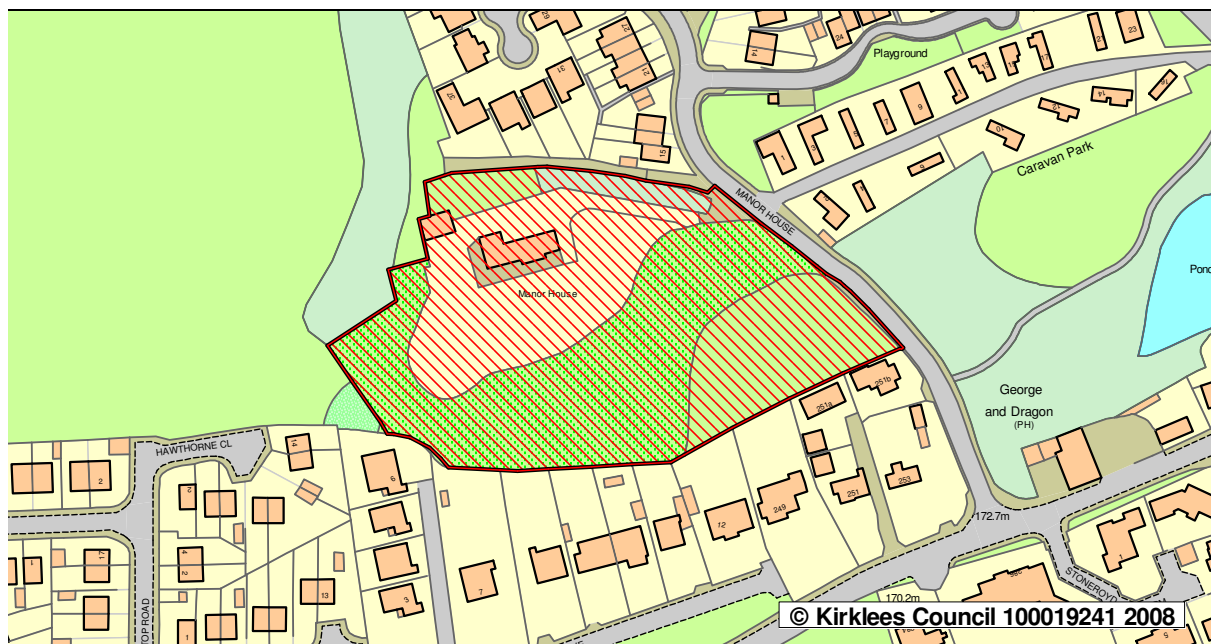
TARGET DATE

12-Jul-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: **Kirkburton**

Yes

Ward Members consulted

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:

- 1. To resolve any outstanding matters relating to drainage and;**
- 2. Following receipt of the review of the viability appraisal, to secure a S106 agreement to cover the financial contribution towards on-site affordable housing.**

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 The proposals are brought forward to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the application site area is in excess of 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located close to the village of Flockton and currently comprises a large bungalow set within spacious grounds. The property is currently vacant. The property is accessed off Manor House which connects to Barnsley Road and currently serves around 50 properties and a caravan park.
- 2.2 The site slopes downwards towards the south. In the south western corner of the site is an area of protected trees.
- 2.3 To the north of the site is a modern housing development constructed roughly 10 years ago. To the south is residential development on Chessington Drive and these properties are set down from the site. To the east is a caravan park and open space. There are open fields lying to the west.

3.0 PROPOSAL:

- 3.1 The proposal is a full application for the erection of 23 dwellings.
- 3.2 The dwellings are predominantly detached with 3 pairs of semi-detached houses and a block of 4 dwellings.
- 3.3 Four of the dwellings are to be accessed via a private drive in the northern part of the site with the remainder accessed from an estate road.
- 3.4 Facing materials are proposed as reconstituted stone and interlocking concrete tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 2018/91047 Reserved matters application pursuant to outline application 2014/93480 for erection of residential development of up to 24 dwellings with associated access – Invalid
- 2014/93480 Outline application for erection of residential development of up to 24 dwellings – Approved
- 2011/92512 Erection of 4 dwellings - Approved
- 2010/90254 Erection of 5 dwellings with garages, formation of access, walls and gates – Approved
- 2005/94896 Reserved matters application for erection of 23 dwellings - Withdrawn
- 2005/90246 Erection of 2 dwellings with garages - Approved
- 2005/90241 Reserved matters app for erection of 44 dwellings - Deemed withdrawn
- 2004/95710 Erection of 2 dwellings with garages - Deemed withdrawn
- 2004/95270 Reserved matters for erection of 6 dwellings - Withdrawn
- 2004/94425 Variation of condition no. 11 relating to vehicular/pedestrian access on previous approval no. 99/60/92037/e6 for outline application for residential development – Approved
- 2004/93788 Reserved matters application for erection of 43 dwellings - Approved
- 1999/92087 Outline application for residential development - Approved
- 1994/90060 Outline application for residential development – Approved

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

- 5.1 There have been negotiations in respect of the viability appraisal and the level of financial contribution that the development can deliver. Final comments from the independent assessor are awaiting receipt.
- 5.2 The south east corner of the site has been amended so that this area is less engineered. The parking for plots 20-23 was to form a raised plateau with gabion walling but the parking area is graded down level with Manor House with new tree planting and a footway along the frontage with Manor House.
- 5.3 Amendments to the layout have been submitted to address comments from Highways and the Lead Local Flood Authority.

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 (2018). 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 The site forms part of housing allocation H4.14 on the UDP Proposals Map and comprises housing allocation H817 in the emerging Local Plan.
- 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
 - BE1 – Design principles
 - BE2 – Quality of design
 - BE12 – Space about buildings
 - H1 – Housing needs of the district
 - H6 – Allocated housing sites
 - H18 – Public open space
 - T10 – Highway safety
 - T19 – Parking Standards
 - G6 – Contaminated land
 - NE9 – Retention of mature trees

6.4 Kirklees Publication Draft Local Plan:

PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordability
PLP21 – Highway safety
PLP22 – Parking Standards
PLP24 – Design
PLP30 – Biodiversity
PLP33 – Trees
PLP53 – Contaminated and unstable land
PLP63 – New open space

6.5 National Planning Policy Framework:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting health and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

Other considerations:

KC Interim Affordable Housing Policy

West Yorkshire Air Quality and Emissions Technical Planning Guidance
Planning Practice Guidance

Providing Educational needs generated by new housing

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notices, neighbour letters and press advert.
Representations: 9 received (includes a petition letter from the Residents of Chessington Drive)

7.2 Representations summarised as follows:

General:

- Overdevelopment of the village; several developments in Flockton already under construction. Further pressure on existing roads, school, doctors and infrastructure
- Enough development in Flockton already
- Previous outline consent was granted subject to 25 conditions; these conditions should set the benchmark for future applications; this application is an attempt to obtain planning permission without satisfying the conditions on the outline consent

Highway matters:

- Barnsley Road already problematic
- Increased traffic on Barnsley Road which is used by school children and people accessing shops and church
- Access road is narrow because of cars parked along it as well as the pavement
- Traffic queuing to access Barnsley Road from Manor House will make this junction more dangerous

Visual amenity/character:

- Visual impact of development
- Density of development too much; lower density of development more appropriate
- Loss of views
- Disturbance from increase in traffic

Residential amenity:

- Overlooking
- Impact during construction

Other matters:

Contamination -

- Concerns with contamination on the site and impact on health
- Previous reports submitted in relation to development on the site confirm contamination is an issue
- Land not fit for building on
- Ground conditions not suitable for building on; loose and unstable ground (colliery waste).
- Concerns with stability of the new dwellings
- Surface water carries pollutants from the site towards/through adjacent property; development will exacerbate this situation
- Legacy of coal mining activity on the site and the impact on the development
- Reports recommend that workers on the site use protective equipment – what about existing residents?

Drainage and flood risk -

- Drainage concerns
- Increased risk of flooding to existing properties that are at lower level
- Surface water from the site already flows to these properties

Trees and ecology-

- Trees on the site
- Impact on wildlife including bats and birds

Miscellaneous -

- Application form contains inaccurate information

Kirkburton Parish Council –

“The Parish Council objects to the application on the following grounds:

- An environmental survey needs to be done on the land, as it is known to be contaminated and thought to contain arsenic. This has been evidenced by adjacent houses in Chessington Drive where it is not possible to grow anything in the gardens, particularly food. The contamination is a result of the previous use of the land by Flockton Plant Hire.*
- Highways: There are already a number of new developments in various stages of construction in this area all with access on to Barnsley Road, which has a known problem of safety issues. Barnsley Road often has heavy traffic due to the high volume of housing developments and also because of its location between Huddersfield and the M1. At the same time the village is very poorly served with pavements – where they exist at all, they are extremely narrow and there is a history of pedestrians being hit by passing motor vehicles when walking through the village. The local school and the church / community centre are situated on the main road, so Barnsley Road is well used by pedestrians and in particular young children being taken to school / playgroup and the elderly. Further development in this area would only exacerbate the existing problems.*
- Over-development of the area – as stated above, there are already a number of new developments under construction in this local area. The infrastructure will not cope with any more new houses.*
- The local schools are already over-subscribed and any new children in the village would struggle to find places.*

The above objections carry the full support of Kirkburton Parish Council.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections in principle but minor amendments were required to address some outstanding highway issues. A revised site plan was submitted on 9/8/18 and following further consultation with HDM, it has been confirmed that the revised proposals are acceptable from a highway perspective with the inclusion of suggested conditions.

Lead Local Flood Authority – No objections but confirmation on flood routing required – a flood routing plan was submitted on 10/8/18 and further consultation has been carried out. Additional comments are currently awaiting receipt.

The Coal Authority – No objection subject to conditions requiring intrusive site investigations and remedial works/mitigation to address the risk posed by mine entries to public safety and the stability of the proposed development.

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions for remediation of the site.

KC Arboricultural Officer – No objection.

KC Ecologist – No objection subject to conditions relating to biodiversity mitigation and enhancement.

KC Strategic Housing – The 2 bed Kendal house type (plots 20-23) would be suitable for on-site affordable housing. The viability appraisal is currently under assessment and the outcome of these negotiations will be set out in the update.

KC Landscaping – Development triggers a requirement for POS provision. Advice provided on soft landscaping. Bin collection points required.

Yorkshire Water – No objection subject to conditions.

West Yorkshire Archaeology Advisory Service - No objection subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Tree, Landscape and Ecology issues
- Highway issues
- Drainage issues
- Other matters
- Representations
- Planning obligations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The application site forms part of a larger housing allocation (H4.14) on the Unitary Development Plan (UDP) Proposals Map. The majority of the housing allocation has already been taken up with the development to the north and the established caravan park. The application site comprises the remainder of the allocation. The principle of the proposed development is in accordance with its allocation as part of the UDP.
- 10.2 The site is also allocated for housing in the emerging Local Plan (H817) and considerable weight can be afforded to this.
- 10.3 The application site has been the subject of a number of applications for residential development over the years, the most recent being an extant outline consent for up to 24 dwellings which approved a point of access along Manor House (planning application reference 2014/93480).

- 10.4 Since the above outline application was approved by members of the Heavy Woollen Planning Sub-Committee, there has been a change to national planning policy in the form of the introduction of the revised National Planning Policy Framework in July 2018.
- 10.5 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 48 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.6 Paragraph 11 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.7 The subtext to paragraph 11 explains that out-of-date policies include those where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. As the Council are unable to demonstrate a 5 year housing land supply, relevant policies relating to housing are considered to be out-of-date. The housing land supply shortfall in Kirklees is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan is still undergoing Examination and has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement,
- 10.8 Paragraph 11 of the NPPF provides that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 10.9 Taking all of the above into account, along with the extant outline permission, the principle of residential development on this site for up to 24 dwellings is established on the site.

Urban Design issues

- 10.10 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Paragraph 60 of the NPPF stipulates that planning decisions should not stifle innovation through unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to promote or reinforce local distinctiveness.
- 10.11 As previously set out, an outline planning application has previously been approved for up to 24 dwellings on the site. The proposal now under consideration is a full application for 23 dwellings.
- 10.12 There are a mix of house types proposed, including detached, semi-detached and a block of four dwellings which would be accessed via two separate access points. The dwellings would be faced in Marshall's reconstituted stone with interlocking concrete tiles for the roofing material, as specified on the submitted application form. The existing trees along the south and south-western boundary of the site which abut the existing properties on Chessington Drive are to be retained.
- 10.13 At the entrance to the site, a block of four dwellings (Kendal house type) (plots 20, 21, 22 and 23) are proposed. This would be a two storey block designed with a hipped roof and would be dual aspect. A car parking area to serve these properties, along with a bin storage area, are proposed between the dwellings and the highway forming Manor House.
- 10.14 There would be three pairs of semi-detached dwellings positioned throughout the development (Nunnington and Studley house types) (plots 7, 8, 9, 10, 18 and 19). These dwellings would be two storey.
- 10.15 The remainder of the dwellings (plots 1 – 6 and 11-17) would comprise of detached dwellings of various floor areas and design (Studley, Nostell, Shelley B, Collingham, Wilton and Castleton house types). All of which would be two storey.
- 10.16 Taking the above into account, officers are satisfied that a suitable mix of house types are proposed as part of this development which would help to support the Government's objective of significantly boosting the supply of homes, as set out in paragraph 59 of the NPPF as well as policy PLP11 of the PDLP.
- 10.17 With regard to the density, paragraphs 122 and 123 of the NPPF highlight the importance of development making efficient use of land. In this instance, the site covers an overall area of 1.18 hectares however, due to the site constraints e.g. the position of mature trees along the southern boundary and topography of the land, the developable area is approximately 1.04 hectares. As such, this development equates to approximately 23 dwellings per hectare (dph).
- 10.18 Taking the above into account, the proposal is considered acceptable by officers from a visual amenity perspective, in accordance with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the PDLP as well as the aims of the NPPF.

Residential Amenity

- 10.19 UDP Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows.
- 10.20 In this instance, acceptable separation distances would be achieved with surrounding residential properties as well as within the site. The layout of the development has been carefully considered so as to incorporate dual aspects to the dwellings thus providing some visual interest within the streetscene whilst safeguarding residential amenity.
- 10.21 It is acknowledged that the properties along Chessington Drive are set at a lower level than the application site however, due to the position of the plots along the southern boundary, along with the retention of the mature trees and provision of appropriate boundary treatment (which can be secured by condition), the proposals would not result in significant harm to the amenity of the existing or future occupants.
- 10.22 With regard to nos. 251a and 251b Barnsley Road, whilst they are located within close proximity to the southern boundary of the application site, the layout of the scheme has been carefully considered to take into account the impact on the occupants of these properties. As such, the parking area to serve plots 20, 21, 22 and 23 is proposed to the rear of these dwellings. It is acknowledged that the bin store structure is proposed to the rear of no. 251b however, it would be set back from the boundary, and with the incorporation of appropriate details of the structure (which can be secured via condition), would mitigate the impact of any headlights from vehicles facing towards this property.
- 10.23 Taking the above into account, the proposals are considered acceptable from a residential amenity perspective and would accord with the aims of Policies BE12 of the UDP, Policy PLP24 of the PDLP as well as the aims of the NPPF.

Trees, Landscape and Ecology issues

Trees

- 10.24 Along the south/south-western boundary of the site there are mature trees which are protected by group Tree Preservation Order 09/06/w1. The application has been accompanied by an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS).
- 10.25 Consultation has been carried out with the Council's Arboricultural officer who has confirmed that the AIA and AMS provides sufficient detail and assessment of potential risks to the retained trees. The inclusion of a split level house type (Wilton) for plots 11 and 12 is a good design solution and addresses the large change in ground levels at this point of the site. The installation of robust protective fencing in this area due to the extensive ground works is essential. As such, provided that the tree protection measures specified in the submitted AIA and AMS are implemented, there are no objections raised by officers and the proposal would comply with the aims of Policy NE9 of the UDP and Policy PLP33 of the PDLP.

Landscape

- 10.26 In addition to the above, because of the size of the site, Policy H18 of the UDP is applicable and sets out that development over 0.4 hectares should provide public open space. If on site, this normally equates to an area 30sq metres per dwelling (690 sq metres in this instance).
- 10.27 As can be seen from the submitted layout, there has been no on-site Public Open Space proposed. Taking into account the viability appraisal, an off-site Public Open Space contribution is also unlikely should members agree with the recommendation of officers. Officers are however, of the opinion that it would be reasonable to permit the development without the POS contribution when taking into account a scheme for 87 dwellings within Flockton which is already providing a significant contribution to the redevelopment of a nearby play area.

Ecology

- 10.28 Given the scale of the proposals, consultation has been carried out with the Council's Ecologist. An Ecological Impact Assessment (EIA) has been submitted with the application. The information contained within the submitted Assessment provides sufficient certainty to enable consideration against relevant policy.
- 10.29 In this instance, it has been demonstrated that the habitats that would be lost as part of this development are not of sufficient importance to resist the principle of development (which is consistent with the extant outline approval). However, it does need to be acknowledged that the proposal would result in the destruction of a possible barn owl nest. This species is afforded an enhanced level of protection through inclusion in Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The loss of a barn owl nest would be considered a significant impact and as such, a condition is recommended to secure appropriate mitigation of this.
- 10.30 The survey information submitted indicates the likely absence of roosting bats and low levels of foraging activity. The information also indicates that, despite the presence of ponds in the surrounding area, the habitats within the site are unlikely to be used by Great Crested Newts.
- 10.31 Although the proposals appear to have been developed in accordance with the mitigation hierarchy, it is the opinion of officers that there is not sufficient detail in the enhancements section of the report to demonstrate a net biodiversity gain. As such, a condition has been suggested in order to secure appropriate details of enhancement and mitigation, in accordance with the aims of chapter 15 of the NPPF.

Highway issues

- 10.32 Policy T10 of the UDP and Policy PLP21 of the PDLP set out the matters against which new development will be assessed in terms of highway safety.

- 10.33 The application site would be served via access points off the adopted road known as Manor House which has its junction with the A637 Barnsley Road, located on the eastern edge of Flockton village. The access of Manor House is shared with a relatively new housing development and an existing caravan site. The previous application was considered by members of the Heavy Woollen Planning Sub-Committee in December 2015 and subsequently approved, in accordance with the recommendation of officers, a point of access to serve up to 24 dwellings off Manor House.
- 10.34 Manor House, between the proposed development site and Barnsley Road, is a two way single carriageway road with a 1.8m wide footway to the eastern side and 600mm hard margin to the western side.
- 10.35 The proposal is to provide two access points off Manor House; the lower access would serve 19 dwellings and the upper access, a private driveway, serving 4 dwellings. Each dwelling would have its own dedicated parking with the majority of properties also being served by garaging.
- 10.36 During the course of the application and following receipt of comments from the Council's Highways Development Management (HDM), amended plans and additional information has been submitted. Amongst other things, the amended plans:-
- demonstrate acceptable swept paths
 - show the position of bin collection points
 - provide adequate sight lines onto Manor House for both access points
 - provide a 2m wide footpath along the site frontage to the south-east
 - demonstrate that appropriate gradients can be achieved
 - demonstrates that no highway retaining structures are required.
- 10.37 Taking all of the above into account, along with the extant outline permission which has established that up to 24 dwellings can be accommodated on this site and served by the local highway network, the proposals are considered acceptable from a highway safety and efficiency perspective, in accordance with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLP.

Drainage issues

- 10.38 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account.
- 10.39 The Lead Local Flood Authority (LLFA) raise no objections to the application although clarification has been sought on flood routing within the site from surface water entering the new estate road from Manor House. There are concerns that it may be channelled towards existing property at lower level. An additional plan has been submitted to address this issue and is currently under assessment. The recommendation has been worded to reflect this. However, should further comments be received, they shall be reported to members in the update.

- 10.40 It should be acknowledged that, as part of the previous outline application consultation was carried out with the Environment Agency (EA) on the basis of the submitted Flood Risk Assessment (FRA), who confirmed no objection. Due to the introduction of the LLFA, there is no longer a statutory requirement to consult with the EA on this application (a site over 1.0 hectare in area but not within a flood zone).
- 10.41 Yorkshire Water have also been consulted on the application and has raised no objection. Conditions have been recommended in relation to protecting the water main, that the site should be developed by separate systems of drainage for foul and surface water on and off site, and that there should be no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Representations

10.42 General:

- Overdevelopment of the village; several developments in Flockton already under construction. Further pressure on existing roads, school, doctors and infrastructure
- Enough development in Flockton already
- Previous outline consent was granted subject to 25 conditions; these conditions should set the benchmark for future applications; this application is an attempt to obtain planning permission without satisfying the conditions on the outline consent

Officer response: As set out in the principle of development section of this assessment, the extant outline permission has established up to 24 dwellings on this site. Furthermore, the site is a housing allocation in both the UDP and PDLP. With regard to the conditions on the outline, the application now under consideration is not a reserved matters but a full application. As such, there is no requirement for the applicant to have discharged the conditions imposed on the outline application prior to the submission of this full application.

10.43 Highway matters:

- Barnsley Road already problematic
- Increased traffic on Barnsley Road which is used by school children and people accessing shops and church
- Access road is narrow because of cars parked along it as well as the pavement
- Traffic queuing to access Barnsley Road from Manor House will make this junction more dangerous

Officer response: The outline application has previously established that up to 24 dwellings would be acceptable on this site to be served via Manor House and subsequently the A637 Barnsley Road. Furthermore, when assessing planning applications in the area, they are not considered in isolation but have taken into account that there is an extant permission on this site.

10.44 Visual amenity/character:

- Visual impact of development
- Density of development too much; lower density of development more appropriate
- Loss of views
- Disturbance from increase in traffic

Officer response: A full assessment is set out in relation to visual amenity considerations in paragraphs 10.10 to 10.18 and is considered acceptable by officers. With regard to disturbance from increase in traffic, as previously set out, the extant outline permission has already granted residential development on this site for up to 24 dwellings.

10.45 Residential amenity:

- Overlooking
- Impact during construction

Officer response: An assessment is set out above in relation to residential amenity considerations. The proposals are considered to comply with the aims of Policy BE12 of the UDP and it is considered by officers that the proposed layout has been carefully considered to take into account 'space about buildings'. With regard to the impact during construction, this is not a material planning consideration however, once again, it needs to be acknowledged that outline planning permission has been granted on this site. In addition, a footnote can be attached to the decision notice, should the application be approved, setting out appropriate hours of construction.

10.46 Other matters:

Contamination -

- Concerns with contamination on the site and impact on health
- Previous reports submitted in relation to development on the site confirm contamination is an issue
- Land not fit for building on
- Ground conditions not suitable for building on; loose and unstable ground (colliery waste).
- Concerns with stability of the new dwellings
- Surface water carries pollutants from the site towards/through adjacent property; development will exacerbate this situation
- Legacy of coal mining activity on the site and the impact on the development
- Reports recommend that workers on the site use protective equipment – what about existing residents?

Officer response: As set out in the main assessment above, consultation has been carried out with both the Council's Environmental Services and the Coal Authority. It has been confirmed that, subject to the inclusion of appropriate conditions, the proposals are acceptable from a land contamination perspective and would accord with the aims of chapter 15 of the NPPF.

10.47 Drainage and flood risk -

- Drainage concerns
- Increased risk of flooding to existing properties that are at lower level
- Surface water from the site already flows to these properties

Officer response: Consultation has been carried out with the Lead Local Flood Authority (LLFA) and their comments are set out above. Some additional information has been submitted by the applicant which is currently under consideration and as such, the recommendation to members has been worded to reflect this.

10.48 Trees and ecology-

- Trees on the site
- Impact on wildlife including bats and birds

Officer response: The application and supporting information has been reviewed by both the Council's Arboricultural officer and Ecologist. As set out in the main assessment, it has been confirmed that the proposals are acceptable from a trees and ecology perspective, subject to the inclusion of appropriate conditions.

10.49 Miscellaneous -

- Application form contains inaccurate information

Officer response: It is considered by officers that there has been sufficient information submitted as part of the application to enable a full assessment of the scheme to be carried out.

10.50 Kirkburton Parish Council

"The Parish Council objects to the application on the following grounds:

- *An environmental survey needs to be done on the land, as it is known to be contaminated and thought to contain arsenic. This has been evidenced by adjacent houses in Chessington Drive where it is not possible to grow anything in the gardens, particularly food. The contamination is a result of the previous use of the land by Flockton Plant Hire.*
- *Highways: There are already a number of new developments in various stages of construction in this area all with access on to Barnsley Road, which has a known problem of safety issues. Barnsley Road often has heavy traffic due to the high volume of housing developments and also because of its location between Huddersfield and the M1. At the same time the village is very poorly served with pavements – where they exist at all, they are extremely narrow and there is a history of pedestrians being hit by passing motor vehicles when walking through the village. The local school and the church / community centre are situated on the main road, so Barnsley Road is well used by pedestrians and in particular young children being taken to school / playgroup and the elderly. Further development in this area would only exacerbate the existing problems.*
- *Over-development of the area – as stated above, there are already a number of new developments under construction in this local area. The infrastructure will not cope with any more new houses.*
- *The local schools are already over-subscribed and any new children in the village would struggle to find places.*

The above objections carry the full support of Kirkburton Parish Council."

Officer response: The above comments are considered to have been addressed in the main body of this assessment as well as in response to the other representations set out in this section. The only matter not directly addressed relates to the impact on local schools however, as set out in paragraph 10.60 below, the application does not fall within the threshold for requesting an education contribution.

- 10.51 The representations have been carefully considered and taken into account in the determination of this application. However, when taking into account the extant planning permission, as well as all relevant material planning considerations, the proposals, with the inclusion of relevant conditions, are considered acceptable.

Other Matters

Coal Mining Legacy and Contaminated Land

- 10.52 The NPPF stipulates that planning policies and decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability. The safe responsibility for development rests with the developer.
- 10.53 In this instance, the application site is identified as being within a high risk Coal Mining area and therefore, a Coal Mining Risk Assessment has been submitted within the application. In addition, Phase 1 and Phase 2 reports have also been submitted and reviewed by the Council's Environmental Services.
- 10.54 The Phase 1 and Phase 2 reports are considered satisfactory and indicate that gas protection measures are required to all properties and that further investigation is needed to assess the site for asbestos.
- 10.55 Taking the above into account the consultation responses from the Coal Authority and Environmental Services, appropriate conditions are recommended in relation to necessary ground investigations and any subsequent mitigation. This is in accordance with the aims of chapter 15 of the NPPF.

Previous planning history

- 10.56 The applicant submitted a reserved matters application pursuant to the aforementioned outline consent however the access arrangements differed from that approved at outline stage and therefore the current application has been submitted as a full application.

Electric charging points

- 10.57 This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. A condition requiring the installation on one charging point per unit (dwelling with dedicated parking) or one charging point per 10 spaces (unallocated parking), is suggested.

Archaeological considerations

- 10.58 The application site includes the known location of Flockton Manor and the conjectural location of the medieval settlement of *Overhall*. The application site is a non-designated heritage asset and a class III area of archaeological interest (West Yorkshire Historic Environment Record PRN 2603). Consultation has been carried out with West Yorkshire Archaeology Advisory Service.
- 10.59 There are no objections raised to the proposals however, it is acknowledged that construction may uncover important archaeological evidence of past settlement(s). Taking this into account, conditions are recommended relating to securing the implementation of a programme of archaeological recording. This is considered sufficient to comply with the aims of the UDP, PLDP and the NPPF.

Planning obligations

Education contribution

- 10.60 Since the proposal is for less than 25 dwellings, the development does not fall within the threshold for requested an education contribution. This is in accordance with the Council's 'Providing Educational needs generated by new housing'.

Public Open Space

- 10.61 The proposal does fall within the threshold for seeking a Public Open Space contribution, as set out in Policy H18 of the UDP. However, as set out in paragraphs 10.26 and 10.27 of this assessment, it is considered appropriate in this instance not to pursue this contribution.

Affordable Housing

- 10.62 A viability appraisal has been submitted with the application. This states that the development can deliver a pot of £80,000 towards all S106 contributions. However, it is anticipated by officers that this will be increased. The viability appraisal is being independently assessed on behalf of the council and the final report is currently awaited. This will determine the number of on-site units that can be provided and secured as part of the S106 referred to the recommendation.
- 10.63 Whilst it is acknowledged that the development triggers contributions towards affordable housing, POS and sustainable travel. In this case it is considered by officers that the money should be used to deliver on-site affordable housing as this will provide the greatest public benefit. A scheme for 87 dwellings within Flockton is already providing a significant contribution to the redevelopment of a nearby play area and so using the money for affordable housing instead of POS would be more beneficial.

11.0 CONCLUSION

- 11.1 The principle of residential development is accepted in accordance with the land's designation in the UDP and emerging Local Plan as well as the extant outline consent that allows for a similar number of dwellings. The layout and design of the development is considered to be acceptable and provides adequate separation to existing and new dwellings. Contamination and ecological issues can be addressed by conditions.
- 11.2 Matters relating to drainage are outstanding, as is the outcome of the viability appraisal and as such, the recommendation has been worded to reflect this.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as while constitute the Government's view of what sustainable development means in practise.
- 11.4 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. Timeframe of 3 years for implementing the development.
- 2. Development to be carried out in accordance with the submitted plans and information.
- 3. Samples of facing and roofing materials.
- 4. Detail of all boundary treatments
- 5. Undertake an appropriate scheme of intrusive investigations (in relation to both coal mining legacy and land contamination).
- 6. Submission of report of findings arising from the intrusive site investigations (in relation to both coal mining legacy and land contamination)
- 7. Submission of a scheme of remedial works/mitigation (in relation to both coal mining legacy and land contamination).
- 8. Implementation of the above remedial works/mitigation (in relation to both coal mining legacy and land contamination).
- 9. Development in accordance with recommendations contained in the Arboricultural Impact Assessment and Arboricultural Method Statement.
- 10. Method statement for the removal and replacement of existing barn owl box.
- 11. Submission of an Ecological Design Strategy prior to the formation of any building foundations.
- 12. Installation of one charging point per unit (dwelling with dedicated parking) or one charging point per 10 spaces (unallocated parking).
- 13. No building/other obstruction to be located over or within 3 metres either side of the centre line of the water main.
- 14. Site to be developed with separate systems of drainage for foul and surface water on and off site.
- 15. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
- 16. Scheme for internal adoptable road.
- 17. Turning facilities to be provided.

18. Details of method of storage/access for waste.
19. Details of gradients for roads/access.
20. Parking/turning areas to be surfaced and drained.
21. Securing the implementation of a programme of archaeological recording.

Background Papers:

Application and history files:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91256>

Certificate of Ownership – Certificate B completed with notice served on the properties known as Meadow View and Langdale.

Previous outline permission:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93480>