
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Dec-2018

Subject: Planning Application 2018/92937 Erection of 50 dwellings and associated works Land south of, Helme Lane, Meltham, Holmfirth, HD9

APPLICANT

Michaela Corbett, Barratt
Homes

DATE VALID

06-Sep-2018

TARGET DATE

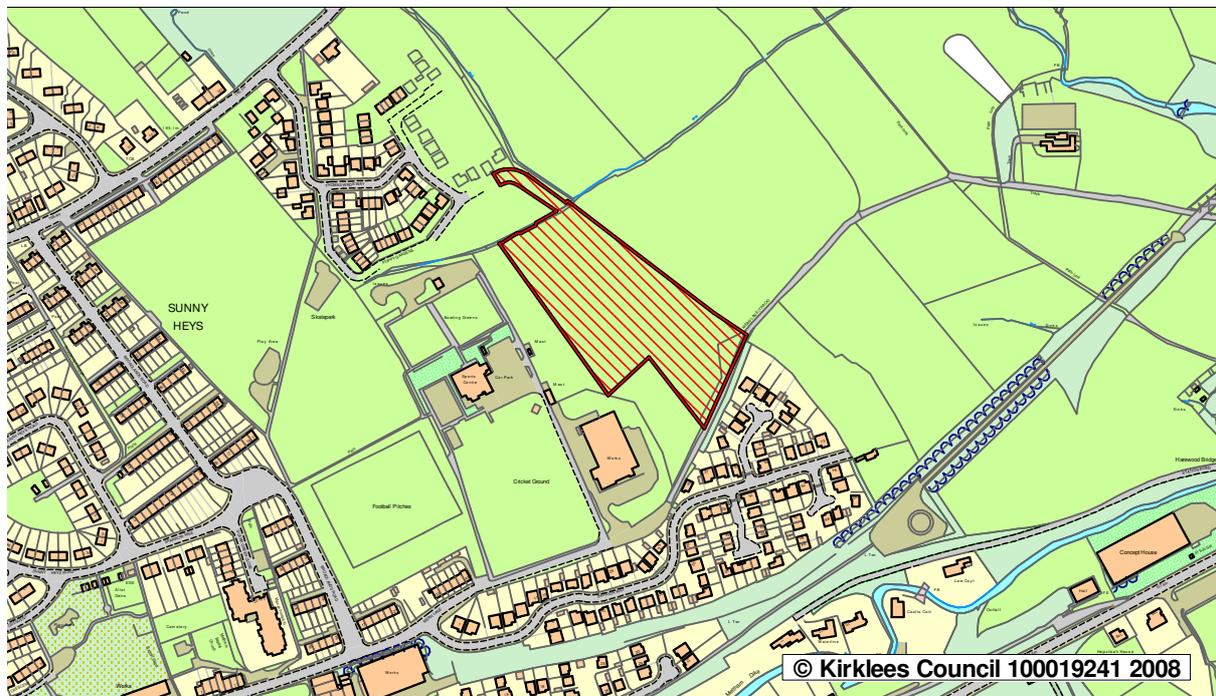
06-Dec-2018

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: Holme Valley North

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

Education - 46,127 towards Honley High School

Public Open Space – Off-site contribution:

£176,351 is required for POS and a LAP

= £44,100 towards Broadlands play area and £132,250 towards Broadlands Public Open Space.

Affordable Housing – 10 units – 5 affordable rent/5 intermediate but split to be confirmed.

Pumping station to be maintained until adopted by Yorkshire Water

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 application is referred to Huddersfield Planning Sub-Committee as the application is located on Provision Open Land (POL) and is a departure from the Development Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a sloping parcel of pasture land. The site forms the lower portion of a larger Provision Open Land (POL) allocation. The upper portion of the allocation has recently been developed by the same applicant courtesy of planning permission 2014/93959 as other associated consents.

- 2.2 The site lies on the eastern edge of Meltham beyond which lies upland countryside in the Green Belt. Adjacent to the site to the south west lies a small tool manufacturing factory. Within 50m to the west lies Meltham cricket ground. The site abuts a Public Right Of Way to the south (MEL/24/30) which connects the site to Broadlands open space and playing fields to the west and provides an elongated route to Meltham greenway which lies 180m to the south. The site is mostly grassed and there are limited features of ecological interest apart from a small stretch of Hawthorn hedge to the north and an oak tree beyond the southern corner outside the site boundary. There are a number of existing properties on the opposite side of Mean Lane public footpath.
- 2.3 The access would be taken through the existing site to the north (2014/93959) which itself is accessed from Helme Lane via a priority junction.

3.0 PROPOSAL:

- 3.1 The application is submitted in full and comprises the following:
- 50 dwellings comprising of 10no 2 bedroom units, 27no 3 bedroom units, 13no 4 bedroom units. All dwellings would be 2 or 2.5 storeys in height.
 - 10 of the units would comprise affordable housing.
 - The provision of a new access taken from the new housing development to the north.
 - Landscaping and a link to the Public Right Of Way to the south.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2018/20224 – pre-application – advised on the requirements for a subsequent planning application, including a noise survey.

Land to the north of application site

2016/93630 – Erection of 5 dwellings – pending consideration

2014/93959 – Erection of 88 dwellings – approved subject to conditions and S106 Agreement

2014/90722 – Outline application for residential development – approved subject to conditions

There are a variety of applications to discharge planning conditions relating to this site.

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

5.1 Revisions to the scheme have been forthcoming whilst the application has been processed. The application has been amended in the following ways:

- Additional landscaping provided.
- The removal of 2 residential units. Current proposal is for 50 units and previous scheme was for 52.
- Link to public footpath.
- Additional planting within the layout and alterations to boundary treatments.
- Clarification over the road gradient.
- The submission of a ball-strike assessment.
- The submission of a drainage scheme.
- Alterations of house types in order to ensure parking can be accommodated.

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 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 - Provisional Open Land
H1 - Housing Need
H10/12 - Affordable Housing
H18 - Provision of Open Space
BE1/2 - Design and the Built Environment
BE12 - New dwellings providing privacy and open space
BE23 - Crime Prevention Measures
EP10 - Energy Efficiency
EP11 – Landscaping
R13 – Rights of Way and Public Access Areas
T1 - Sustainable Transport Strategy
T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development
PLP5 - Masterplanning
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

6.4 Supplementary Guidance

- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- Kirklees Local Plan Submission Document – New Site Options Report – April 2017
- National Planning Policy Framework (2018)

7.1 PUBLIC/LOCAL RESPONSE:

7.2 The application was advertised on site, in the local press and by neighbour letter. Three letters of representation have been received and are addressed in the main body of this report unless otherwise stated:

- *Dathan Tool and Gague Company* - We're concerned that the close proximity of the housing development will interfere with the day to day running of our organisation. We're a 24 hours a day, 7 days a week, exporting manufacturing business, employing local people. The business is expanding and in the future is seeking to grow on the Meltham site. We're not in a position to move to a different location due to the high skill levels that we've created in the local area. Our global customer base puts us under high pressure to remain competitive and any interference with this will be detrimental.

- Peak & Northern Footpaths Society - A public footpath link should be provided from the development onto Meltham Footpath 59/10 (Mean Lane). This would lead onto the wider path network and greenway.
- Should the planning subcommittee be minded to approve the application, it should include pedestrian and cycle links to Mean Lane and to the Sports and Leisure Centre. Approval should be subject to a S106 Agreement to surface Mean Lane as a cycle and pedestrian route to Meltham Road, and to include a link to the Meltham Greenway. The Greenway is a key part of the local sustainable transport network, is already well used and will be more so as it is extended to Healey House and Netherton. A separate, proposed development off Netherton Fold has set a precedent for contributing to Greenway development through S106 funding.

Officer response – The site is not adjacent to the greenway but does include a link to the public footpath to the south which itself links to the Greenway. There is a further point of access to the greenway from Pavillion Way to the south. The circumstances surrounding the Netherton Fold planning permission are not comparable with the current application. Netherton Fold is a site in the Green Belt and it was considered in that case that the provision of a sum of money to provide an extended greenway link comprised very special circumstances to justify the grant of planning permission for residential in the Green Belt. The current application site does not lie in the Green Belt and is adjacent to the greenway and it is not considered that the provision of a monies to improve the greenway are necessary to make the development acceptable in planning terms.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways DM – Highways originally commented as follows:

- Parking should be provided in accordance with Appendix 2 of the UDP, including visitor (1 space per 4 dwellings to the shared surface areas) and cycle parking. Four bedroomed dwellings should have 3 off-street parking spaces. If integral garages are to be considered as contributing towards parking provision they must provide internal dimensions of 3m x 6m. The integral garages proposed are insufficient in size to be considered as contributing towards the off-street parking provisions. This means that the 4 bedroomed Windermere house type has insufficient parking.-
- The 2 bedroomed type 67 affordable housing units have only one parking space and 2 need to be provided to meet recommended standards.
- The proposed turning head is unlikely to be sufficient size to accommodate an 11.85m long waste collection vehicle. Swept path analysis should be provided to demonstrate that an 11.85m refuse vehicle can enter the site from phase one and turn and exit the proposed development in a forward gear.
- Only 5 visitor parking spaces provided to the dwellings served by the shared surface areas, 7 should ideally be provided.

- No information is provided showing the proposed gradients. The maximum recommended gradient to a shared surface is 1 in 20. Longitudinal sections should be provided which demonstrate that suitable gradients can be achieved.

Officer response – The applicant has responded to all the above points and Highways DM are assessing the submission. The layout has been altered in order to ensure that garages are large enough to meet requirements.

Sport England – Currently object on the basis that the site lies in close proximity of an existing cricket pitch and there is a risk of ball strike. Request the submission of a ball-strike assessment which has now been undertaken and submitted by the applicant and Sport England have been re-consulted. Final comments to be provided in response to the submitted ball-strike assessment.

Lead Local Flood Authority – No objection in principle to a pumped drainage solution subject to detail. Full comments to be provided in an update.

8.2 **Non-statutory:**

Education – A contribution of £46,127 is required.

Strategic Housing - In Kirklees Rural- West, there is a significant need for affordable 1-2 bedroom housing, as well as a need for affordable 1-2 bedroom housing for older people specifically. The area has some of the highest priced housing in Kirklees with property prices ranging from around £106,000 to £210,000.

6 Social or Affordable Rent dwellings and 5 Intermediate dwellings, would be suitable for this development.

Environmental Health – No objection subject to conditions regarding dust, contamination, air quality and noise.

Arboriculturist – No objection.

Biodiversity Officer – No objection.

Landscape – A contribution of £176,351 is required for POS and a LAP.

West Yorkshire Archaeological Advisory Service – The applicant submitted a geophysical survey in response to WYAAS original consultation response. Final comments will be reported as an update.

Yorkshire Water – No objection subject to a planning condition.

9.0 MAIN ISSUES

Principle of development
Design and Impact on Character and Appearance of the Area
Heritage
Highways issues
Risk of Ball-Strike from cricket pitch
Drainage Issues
Residential Amenity
Ecology
Land Contamination
Air Quality
Noise
Construction Impacts
Planning Obligations
Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as Provisional Open Land (POL) on the Kirklees Unitary Development Plan. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) is one such material consideration. The starting point in assessing any planning application is, therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted. The Council are also at an advanced stage in the preparation and adoption of the Local Plan. The Local Plan - Kirklees Publication Draft Local Plan (PDLP) – was submitted for examination in April 2017.

Unitary Development Plan

- 10.2 Policy D5 of the UDP relates to POL land. This policy is considered to be up-to-date as it complies with the NPPF, in particular para 139 and, therefore, it is considered that it should be given full weight. Development of this site for housing would run contrary to policy D5 thus representing a departure from the Development Plan.

Emerging Housing Allocation

- 10.3 In the Kirklees PDLP the site is designated as part of a larger Housing Allocation (H67). Within the Draft Allocations and Designations documents the following constraints have been identified:

Improvements to local highway links may be required
Surface water issues
Noise source near site
Site is close to listed buildings

- 10.4 Significant weight should be attached to the emerging Housing Allocation on the basis of the advanced stage of preparation of the Local Plan and the proposed development complies, in principle, with the PDLP allocation.
- 10.5 There is clear support for housing proposals contained within the NPPF in order to “*boost significantly the supply of homes...*” (para 59). The same chapter then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. Officers are currently of the view that the Council are unable to demonstrate a 5 year supply of deliverable sites in accordance with the NPPF and NPPG. Based on the Objectively Assessed Need which has been used to inform the PDLP which is at an advanced stage of examination, the PDLP intends to assist in the delivery of at least 1730 homes per annum which is required in order to ensure a 5 year housing land supply. Following the Inspector’s recommended modifications to the Local Plan the Council will be able to demonstrate a housing land supply in excess of 5 years when it is adopted.
- 10.6 For the current application this has implications. Para 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 in the NPPF that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
- 10.7 At the time of writing, the Council are unable to demonstrate a 5 year housing land supply as required by para 73 of the NPPF. Therefore, it is considered that the ‘tilted balance’ presumption in favour of sustainable development as advocated by para 11 of the NPPF applies in this case. This 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.

Masterplanning

- 10.8 Policy PLP5 of the PDLP requires that sites are properly and comprehensively planned. In this case there are two relatively small parcels of land within PDLP housing allocation H67 which sit to the west and south west of the application site and potentially rely on the application site for access. The proposed development includes links to both parcels of land. The applicant has submitted a draft masterplan and confirmed that they discussed the potential to include these parcels of land with the adjacent landowner. However, the adjacent landowner did not wish to be involved in the scheme at this stage. The submission demonstrates that these parcels of land could be accessed through the application site.

Conclusion on Principle of Development

- 10.9 The site lies on POL land on the UDP and it is considered that accompanying policy D5 should be applied full weight. The site is allocated as Housing in the PDLP to which significant weight should be attributed due to the advanced stage of the emerging Local Plan process. In this case prematurity is not an issue.
- 10.10 The Council cannot demonstrate a five year supply of deliverable housing sites. The 'tilted balance' as set out in para11 of the NPPF is engaged in this case and planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

Design and Impact on Character and Appearance of the Area

- 10.11 Chapter 12 of the NPPF states, amongst other things, that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.12 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.13 The site comprises a piece of open land which slopes up from south east to north west. The site is contained by a recent residential development to the north west and existing buildings to the west. From the north and east views within the Green Belt views of the site are particularly open. There are prominent views of the site from Mean Lane footpath to the south.
- 10.14 The proposed layout generally follows the contours of the site in order to create a development which steps down in a consistent manner. The proposed dwellings are relatively simple in terms of roof form and overall design which follows the same design ethos as phase 1. Proposed house types would consist of a range of two storey units, both semi and detached. Some units include front projecting dormers and they would comprise pitched roofs. Materials proposed are artificial stone identical to the stone used in part of the existing development to the north west. The varied character and appearance of the local vernacular reinforces the acceptability of the design of the proposed development which would be in keeping. Details of final materials could be conditioned. Dual aspect dwellings are proposed at corner plots and boundary treatments are designed so as not to appear incongruous in the street. The eastern boundary has been shored up with appropriate planting which softens the appearance of the scheme from the Green Belt. Consideration was given to providing a pedestrian link along this boundary but was discarded after consultation with the Police Architectural Liaison Officer.

- 10.15 The provision of landscaping along the eastern boundary also aids in reducing the visual impact of the proposed development for users of the surrounding public footpaths (a number of which lies on Green Belt land to the east at mid distance) although, clearly, the housing would be readily visible along small stretches of some of the nearby footpaths. It is considered that the visual intrusion of the proposal would be relatively limited to the land closest to existing proposed development.
- 10.16 Most of the lower portion of the site includes shared surfacing to the highway which would benefit pedestrians and other non-car users and provide aesthetic benefits. A link would be provided to the public footpath (Mean Lane) to the south.
- 10.17 The applicant has amended the scheme to address good design as advocated by Building for Life 12 (Design Council CABI – good practice). This includes utilising more appropriate planting and reduction in large areas of hard surfacing fronting plots. The development would incorporate some ‘green street’ principles and an area of landscaping to the Green Belt boundary. In accordance with policy BE2 of the UDP the proposal would make a contribution to the existing built form and comprise a good standard of design in accordance with PLP24.

Public Open Space

- 10.18 The proposed development does not include on-site POS. However, in this case it is considered appropriate to request an off-site contribution to the nearby Broadlands open space and playing fields. This would be easily accessible for occupiers of the development who could walk along Mean Lane with the open space being within 230m of the site.
- 10.19 There is no play equipment proposed on site either. Officers are satisfied with the proposed off-site lump sum in lieu of on-site equipped provision. This equates to £44,100.76 for improvements to the nearby Broadlands play area is requested and could be secured by S106 agreement. A further contribution is sought to upgrade the Broadlands open space totalling £132,250.
- 10.20 Overall it is not considered that the proposed development would compromise the character of the area. Whilst the site would be changed from open countryside to an expanse of housing which would be detrimental to openness and policy D5; harm to the wider landscape is limited by the topography of the site and the design which includes a landscape buffer which would soften the more sensitive site boundaries. Overall there would be no overriding landscape harm arising as a result of the proposal and the intrinsic character of the wider countryside in this location would not be significantly harmed. The proposed development represents an acceptable form of design in accordance with UDP policies BE1, BE2 and emerging Local Plan policy PLP24.

Heritage

- 10.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 16 of the NPPF focuses on good design, chapter 16 relates to heritage assets. Policy PDL55 reflects the NPPF in respect of heritage assets.

- 10.22 There are no heritage assets within the site boundary. The nearest assets lie approximately 230m to the north west comprising Helme Conservation Area. A grade II listed cottage also lies within approximately 200m of the site off Helme Lane. Given that the proposed development is located downslope and beyond a large existing development (phase 1) it is not considered that there would be a material impact on the setting of either asset.
- 10.23 In respect of archaeology, the application is accompanied by an archaeological geophysical survey. The submitted survey identifies a number of features underground of uncertain origin. The majority of findings appear to comprise modern agricultural associated objects and activity. However, WYAAS have been consulted on the submitted report and their response to the geophysical survey will be included in the planning update.

Highways Issues

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

Para 108 of the NPPF states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

This is followed by para 110 of the NPPF which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.25 The application has been accompanied by a Transport Statement which has been assessed by Highways DM. It is noted that the access to phase 1 which would also serve this proposal from Helme Lane has already been established and built out. The submitted Transport Statement has considered the impact of the proposal on this junction and junctions in the wider area. No significant impacts are anticipated.
- 10.26 Highways DM originally raised some concerns regarding the layout in terms of gradient and proposed parking. The applicant has amended the scheme and the gradients appear to be acceptable. Final comments from Highways DM on the revised layout will be reported as an update.

Accessibility

- 10.27 The closest bus stops to the site are found on Helme Lane approximately 180m from the site. Further stops are found on Broadlands Road, Highfield Avenue and Slaithwaite Road. Many of these stops have raised kerbs to aid boarding and some have timetable cases. A supermarket is within 750m of the site and Meltham centre is within 800m. Broadlands play area, football pitches and a skate park lies within easy walking distance. Overall the site is considered to lie in an accessible location.

Risk of Ball-Strike from cricket pitch

- 10.28 Sport England is a statutory consultee where a proposal is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Sport England's playing field policy not only seeks to protect the playing field itself, but also seeks to protect it from development on adjacent land which might prejudice its use. Within their consultation response, Sport England (in consultation with the English Cricket Board) consider residential development within relatively close proximity to cricket pitches to fall into this category as potential cricket ball strike to residential properties can lead to damages and insurance claims that become unaffordable for the cricket club and ultimately lead to the closure of the ground.
- 10.29 During the course of the planning application the applicant submitted a ball-strike assessment following an initial objection from Sport England. The report concludes that the distance between the edge of the square and the boundary of the site is 70m. The report calculates the ball trajectory and distance and considers that the distance between the development site and the cricket pitch is sufficient for amateur players. According to the report only professional first class players would be capable of surpassing these distances but the assessment of ball trajectory indicates that the frequency of ball strike in any event would be significantly reduced.
- 10.30 Officers are therefore, satisfied that the impact appears to be extremely low and it does not appear that mitigation will be required. However, Sport England have been consulted on the ball-strike assessment as they are a statutory consultee. Final comments will be reported to committee as an update.

Drainage Issues

- 10.31 Para 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.32 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.

10.33 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body
- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

10.34 The applicant has considered drainage in line with the drainage hierarchy. However, following a site meeting between the applicant and the LLFA it was concluded that a pumped solution is the only feasible way to deal with surface water as the applicant has been unable to locate a suitable gravity fed outfall. The revised layout indicates that the pump station would be located on the lower portion of the site near the public footpath. Landscaping is proposed to soften the impact.

10.35 The pump station would be adopted by Yorkshire Water under separate legislation. However, until such a time, it is recommended that maintenance of the pumping station is the responsibility of the applicant. This could be included as part of a S106 agreement.

10.36 Overall it is considered that the proposal complies with policies PLP27 and PLP28 and Section 10 of the NPPF with regard to drainage and potential flood risk.

Residential Amenity

10.37 Para 123 of the NPPF indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

10.38 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

10.39 The nearest residential properties lie to the south east of the site along Pavilion Way. All dwellings would be in excess of 21m from the nearest residential dwellings thus the impact on residential amenity would be limited.

Ecology

10.40 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.

- 10.41 The site is a housing allocation in the publication draft of the Kirklees Local Plan and is within 2.5 km of the South Pennine Moors Phase 1 SPA, as such the site was discussed within the Habitat Regulations Assessment which is evidence accompanying the emerging Local Plan. Subsequent amendments have been proposed to the general policies of the Local Plan and there is a requirement to carry out survey to establish the presence or absence of certain SPA birds during the breeding season. In respect of Phase 1 of the SPA, only Golden Plover have the potential to be significantly affected by loss of grassland outside of the protected area. However, information submitted by the applicant in the form of addendums to the supporting ecological report indicates that the grassland on site is typically too tall during the Golden Plover breeding period to be functionally linked to the SPA. This is reflected in the Habitats Regulation Assessment (HRA) screening for the proposals. Habitat survey for the Local Plan HRA was undertaken in September 2016, at which time the management of the grassland was not apparent.
- 10.42 As the HRA has not progressed to an Appropriate Assessment no consultation with Natural England is required. It has been concluded through the HRA Screening that the proposals have no likely significant effect of the South Pennine Moors Phase 1 SPA and no further survey work is necessary in this respect.
- 10.43 The original scheme included no biodiversity gain. The amended plans now include a more substantial buffer along the eastern boundary which could accommodate suitable planting and enhancement. Due to the relatively low value of the habitats currently on site, a net gain could be provided by retaining habitats at the periphery of the site and planting these with native trees/shrub, wildflower meadows, etc. Consequently, subject to conditions relating to biodiversity enhancement, the proposal is considered to comply with policy EP11 of the UDP and PDLP policy PLP30.

Land Contamination

- 10.44 The application is accompanied by Contaminated Land Reports demonstrate findings that the site is uncontaminated. A condition is recommended concerning reporting of unexpected contamination. This is in accordance with the requirements of Chapter 15 of the NPPF, policy G6 of the UDP and PLP 53 of the PDLP.

Air Quality

- 10.45 PDLP policies 20 and 47 encourage schemes which offer to reduce air quality impacts. Given the scale of the development, 1 electric vehicle charging point shall be installed for each dwelling. There is also a requirement for a Travel Plan.
- 10.46 As such, a condition is recommended to this effect, in accordance with the aims of para 181 of the NPPF and the guidance of the West Yorkshire Low Emissions Strategy. To some extent this will help offset any impacts relating to private car use to the services which are not within easy walking distance, in accordance with PLP20 of the PDLP.

Noise

- 10.47 The applicant carried out a noise survey which has been assessed by Environmental Health. No objections are raised subject to additional monitoring and potential mitigation measures relating to potential noise from the community centre. The proximity of housing to the nearest business and telecoms mast is considered acceptable. Whilst there are concerns raised by Dathan tools relating to noise which lies approximately 23m from the nearest proposed dwelling at its nearest point; officers are satisfied that noise could be appropriately attenuated by improved glazing or fencing. This is covered by the proposed condition. The application is considered to comply with policy EP4 of the UDP and PLP52 of the PDLP.

Construction Impacts

- 10.48 A condition is recommended concerning a construction method statement identifying measures to reduce the impact of noise and disturbance to existing residents.

Planning Obligations

- 10.49 In accordance with para 56 of the NPPF planning obligations should only be sought where they meet the following three tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Education Provision

- 10.50 Para 94 of the NPPF states that great weight should be given to the need to create, expand or alters schools. In line with the requirements for 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional school places. In order to address the additional pressure on local schools, the Council Education section requires the following contribution:

£46,127 towards Honley High School

Public Open Space

- 10.51 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. The site would make an off-site contribution to Broadlands and this is considered appropriate in this case. The provision of POS would be secured by S106 agreement along with ongoing maintenance. A contribution of £44,100 is also required for improvements to the nearby Broadlands play area as an off-site play area contribution.
- 10.52 It is also noted that the site lies on the edge of an existing settlement and there are footpaths and routes into the open countryside. The proposed development would provide a link to the footpath to the south which would enhance access to the countryside for the proposed development and phase 1. This footpath links to the Meltham greenway. In accordance with para 92 of the NPPF, the scheme provides access to high quality open spaces which can make an important contribution to the health and well-being of communities.

Affordable Housing

10.53 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. The applicant has offered 10 affordable units on-site which is fully policy compliant. Council Strategic Housing Officers wish to see 5 affordable rent and 5 intermediate units (to be confirmed). This could be incorporated into a S106 agreement.

11.0 Planning Balance

11.1 The application site lies on an area of land allocated as Provisional Open Land (POL) on the UDP. The emerging Housing Allocation now carries significant weight in the decision making process and against this policy the provision of housing is in accordance.

11.2 It is inevitable that development on any greenfield site would mean a loss of landscape quality because there would be buildings in place of open land which represents a negative aspect of the proposal. The impact on local views such as some of the surrounding footpaths would be unavoidable. However, the scheme has been designed so as to ensure that the impact on the Green Belt outside the site is reduced through the positioning and appearance of the dwellings which would be set back within the site, with the edge landscaped. This, coupled with the location and scale of the proposal, means there would be no overriding harmful landscape and visual harm. The scheme is considered to represent a good standard of design.

. 11.3 There would be no unacceptable harm in relation to drainage/flood risk, living conditions and ecology, subject to the conditions proposed. Infrastructure provision would be dealt with by a S106 Agreement where the scheme is fully compliant with policy requirements.

11.4 In conclusion, the tilted balance in favour of sustainable development as advocated by para11 of the NPPF is engaged in this case because the Council are unable to demonstrate a 5 year housing land supply. There is conflict with policy D5 of the UDP as the site comprises a POL allocation. Significant benefits would arise from the proposed housing due to the number of dwellings proposed at a time of housing shortage and the proposed affordable housing element. In this case the planning balance lies in favour of the development as there are no adverse impacts in granting planning permission which would significantly and demonstrably outweigh the benefits. The proposal is considered to represent sustainable development.

12.0 Grant subject to S106 Agreement and CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

Conditions

- 1) 3 years
- 2) Approved plans
- 3) Materials
- 4) Ecological enhancement
- 5) Final levels of dwellings to be approved
- 6) Electric charging points
- 7) Contaminated land conditions
- 8) Noise assessment
- 9) Travel Plan
- 10) Landscaping
- 11) Full details of pumping station
- 12) Details of footpath link
- 13) Details of surfacing materials for all hard surfaced areas
- 14) Boundary treatments
- 15) Construction management
- 16) Flood routing
- 17) Drainage scheme to be submitted and agreed

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: