
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 20-Dec-2018****Subject: Planning Application 2018/93001 Outline application for erection of residential development 230 Cumberworth Lane, Denby Dale, Huddersfield, HD8 8PR****APPLICANT**

Wordsworth Properties

DATE VALID

13-Sep-2018

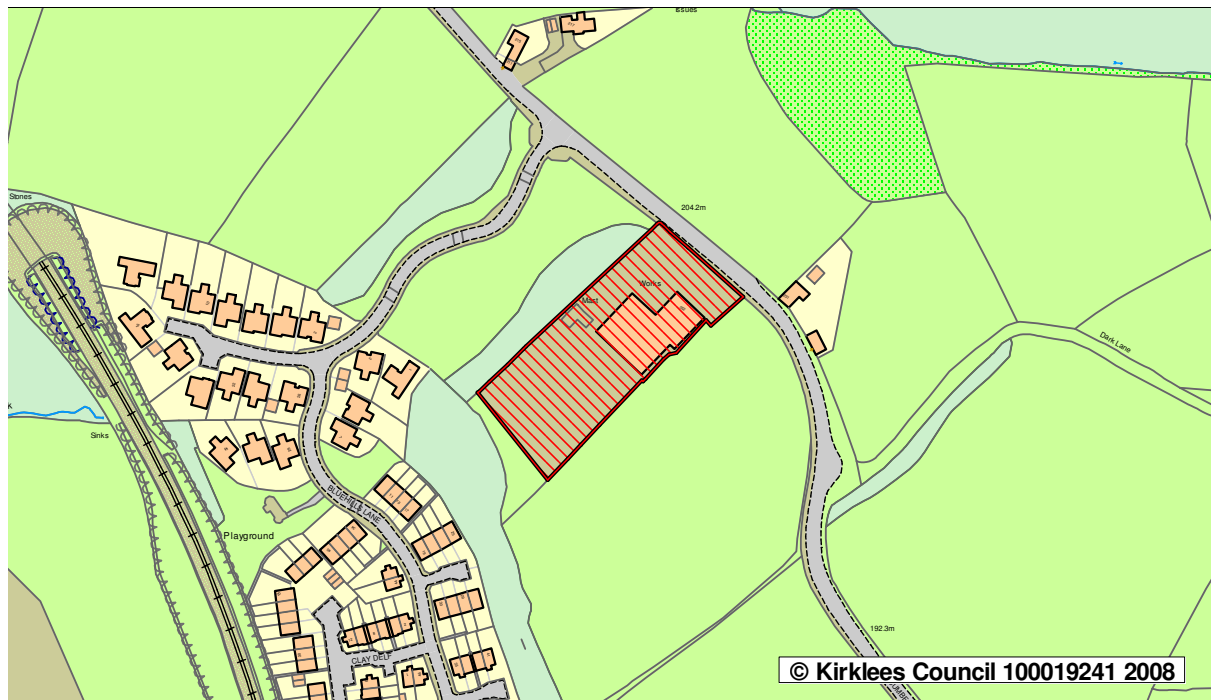
TARGET DATE

13-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: Denby Dale

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.

1.0 INTRODUCTION:

- 1.1 This is an outline planning application, with all matters reserved, for residential development.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.62 hectares in size and slopes slightly downhill from north to south. The site is accessed from Cumberworth Lane.
- 2.2 The site is currently vacant. Much of the northeast end of the site (nearest to the road) is occupied by buildings or is hard surfaced. A telecommunications mast exists within the site, close to its northwest boundary.
- 2.3 The site is within the Green Belt.
- 2.4 There are no trees of significant size or age within the site. Tree Preservation Orders protect several trees to the northwest and southwest of the application site.
- 2.5 The site is not within a conservation area. The nearest listed building is the Denby Dale Methodist Church, located approximately 400m to the southeast of the application site.
- 2.6 To the west of the site is the Bromley Park development. Other land and buildings surrounding the application site are in agricultural and residential use.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. All matters (access, scale, layout, appearance and landscaping) are reserved.
- 3.2 No indicative site layout plan has been submitted, nor has an indicative number of units been suggested by the applicant.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/90045 – Details approved 26/01/2017 (prior notification) for demolition of industrial workshop.
- 4.2 2015/90207 – Outline planning permission granted 20/11/2015 for residential development.
- 4.3 2014/91976 – Certificate of Lawfulness granted 12/09/2014 for the erection of an extension, and relocation of car parking and vehicle turning area.
- 4.4 2006/92434 – Planning permission granted 10/08/2006 for the formation of an extension to storage / parking area, and setting out of layout, storage, parking and landscaping.
- 4.5 2005/94330 – Application (for retrospective planning permission for formation of an extension to storage / parking area, and setting out of layout, storage, parking and landscaping) withdrawn 03/01/2006.
- 4.6 2002/94460 – Planning permission granted 16/05/2003 for replacement of existing 15m mast with 20m mast, erection of equipment cabin and relocation of antennas with ancillary development.
- 4.7 2000/93479 – Planning permission granted 10/05/2001 for erection of office extension.
- 4.8 2000/90137 – Planning permission granted 14/03/2000 for erection of office extension.
- 4.9 99/92855 – Planning permission granted 13/01/2000 for erection of a cement storage silo.
- 4.10 99/90732 – Planning permission granted 21/06/1999 for erection of workshop with offices.
- 4.11 98/91842 – Details approved 16/07/1998 (prior approval) for erection of polar antennas and cabin.
- 4.12 97/93130 – Planning permission granted 05/01/1998 for erection of factory extension.
- 4.13 97/91278 – Details approved 05/06/1997 (prior approval) for erection of free-standing tower with equipment housing.

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

- 5.1 A request for pre-application advice (ref: 2018/20287) was submitted on 04/07/2018, but was subsequently withdrawn. No written pre-application advice letter was issued in response to the request.
- 5.2 During the life of the current application, officers noted that paragraph 3.1.1 of the applicant's Transport Statement refers to the construction of up to seven dwellings on the footprint of the site's existing buildings. The applicant's agent has confirmed that this reference is to be disregarded.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is within the Green Belt in the UDP.
- 6.3 Relevant policies are:

G4 – High standard of design
G5 – Equality of opportunity
G6 – Land contamination
NE9 – Tree retention
BE1 – Design principles
BE2 – Quality of design
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
BE22 – Accessible parking
BE23 – Crime prevention
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T1 – Transport priorities
T2 – Highway improvements

T10 – Highway safety
T14 – Pedestrian safety
T16 – Pedestrian routes
T17 – Cycling
T19 – Parking standards
B4 – Business and industry
H1 – Housing needs
H10 – Affordable housing
H12 – Affordable housing arrangements
H18 – Public open space
R6 – Public open space

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is within the Green Belt in the emerging Local Plan.

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarding employment land and premises
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
PLP33 – Trees
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP57 – Extension, alteration or replacement of existing buildings (green belt)
PLP59 – Infilling and redevelopment of brownfield sites (green belt)
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)

National Planning Policy and Guidance:

- 6.7 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

Chapter 2 – Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting green belt land

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

- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised via a site notice, a press notice, and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 02/11/2018.

- 7.2 No representations were received from occupants of adjacent properties.

- 7.3 Denby Dale Parish Council were consulted, and submitted no comments on the proposed development.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Site has an existing access point on Cumberworth Lane, with a 10.5m wide vehicular crossing over the footway. Visibility from the existing access is restricted by the existing front stone wall – this can be improved to provide a 2.4m x 62m splay. A snapshot speed survey undertaken on 16/12/2014 revealed speeds of vehicles approaching from the south are around 31mph, however up-to-date speed surveys should be provided to determine the 85 percentile wet weather speed. Adoptable highway within the site could be appropriate, and this should be a shared surface designed to achieve a maximum speed of 15mph. On-site parking required. Access and turning within the site should be designed to accommodate a 11.85m long waste collection vehicle. Estate road should be 5.5m wide with 600mm hard margins to all sections of any shared surface carriageways. Any footways should be 2m wide. Bin storage and collection points should be provided. Existing footway to the site frontage is narrow and should be widened to 2m, which would improve pedestrian facilities in the area and sight lines onto Cumberworth Lane. Further comment: 2.4m by 125m visibility splays required in the absence of up-to-date speed survey information from the applicant.

KC Strategic Drainage – Further information required existing drainage (i.e., where the site currently drains to), the proposed site layout, drainage strategy, and details of any soakaway testing carried out following the previous approval of planning permission. Due to the very limited information provided at outline stage, LLFA must be consulted at Reserved Matters stage.

The Coal Authority – Application site falls within the defined Development High Risk Area. Within the application site and surrounding area there are coal mining features and hazards – underground coal mining has taken place beneath the site at shallow depth, and further historic, unrecorded, shallow underground coal workings are likely to be present. There is a recorded mine entry with the site, and two further recorded mine entries within 20m of the site. The same Coal Mining Risk Assessment (as was submitted under application 2015/90207) has been resubmitted. The Coal Authority raised no objection to the previous application subject to the imposition of a condition requiring investigation and treatment of coal mining legacy affecting the site. For the current application, the Coal Authority wishes to raise no objection, however reference should be made to the Coal Authority's 2015 comments. Pre-commencement condition recommended.

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. Separate systems of drainage for foul and surface water required. No piped discharge of water from the development shall be allowed prior to the completion of surface water drainage works. Applicant's Drainage Strategy Report states that soakaways will be tested further – if these prove not to be feasible, the site would continue to drain to the combined sewer network, which is unacceptable. If soakaways prove unfeasible, the surface water sewer network in Bluehills Lane should be considered. If this is proven not to be feasible, surface water may discharge to a public combined sewer at a restricted rate of 50% less than the existing flow rate. Further information required regarding the proposed means of draining surface water from the development. The applicant is proposing to discharge surface water to the public sewer, however in accordance with the surface water disposal hierarchy, the developer must first provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical. Comments on surface water disposal should be sought from other drainage bodies. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, surface water may discharge to the public sewer, but must have a minimum of 50% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. Developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the local planning authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

8.2 **Non-statutory:**

KC Ecology – Given the lower value of the habitats present at this site, the submitted ecological information is sufficient. Applicant's information indicates that the site does not support important ecological features (including protected species), therefore significant ecological effects are unlikely. No net biodiversity gain has been demonstrated, however as the application is outline only with all matters reserved, there is scope for a net gain to be delivered through the development. No objection to application, subject to condition.

KC Environmental Health – Conditions recommended regarding site contamination, electric vehicle charging and dust suppression. Informative recommended regarding construction noise.

KC Landscape – Site is in green belt and not proposed for reallocation in the Local Plan. Although there is housing to the west, this is separated from the application site by East Hill Wood, making the application site quite isolated. Proposed development would require a Landscape Visual Impact Assessment, and landscape proposals would need to be extremely well thought out with substantial mitigation planting. There are opportunities for green links and improvements to habitats, as well as wildlife links to East Hill Wood and the Public Open Space (POS) to the north. Site area of over 0.4 hectares triggers requirement for on-site POS, within which there should be a Local Area of Play (LAP) designed in accordance with Fields in Trust guidance. Alternatively, a sum for off-site provision would be required for an existing facility in the vicinity. Sum can be confirmed once details of dwellings and any on-site POS are provided. Further advice provided regarding landscape design, POS locations, bin storage and outdoor lighting.

KC Planning Policy – Green belt issues relevant to this site concern not the principle of residential development (which has been accepted), but the design of the scheme. Officers have tried to encourage applicants to respect local vernacular and restrict built development to the front half of the site, leaving the rear of the site open. An opportunity exists here to create an imaginative scheme that respects its green belt location.

KC Public Rights of Way – No comment.

KC Strategic Housing – In Kirklees Rural East there is a significant need for affordable 1- and 2-bedroom housing, as well as a need for 3-bedroom (and larger) housing and 1- and 2-bedroom housing for older people. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Affordable housing at this site should be 1-, 2- or 3-bedroom properties or larger. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions. Vacant buildings exist on site, and further information would be required if a Vacant Building Credit claim is to be made.

KC Trees – Protected trees (woodland) exist to the north of west of the site. These woodland areas and their potential shading and overhang will need to be considered in the future when a proposed layout is submitted. No objection to the principle of residential development at this site.

9.0 MAIN ISSUES

- Land use, principle of development and green belt issues
- Urban design issues
- Residential amenity and quality
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Coal mining legacy
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use, principle of development and green belt issues

- 10.1 No indicative proposed site layout plan has been submitted, and approval of a specific number of residential units is not sought.
- 10.2 Outline planning permission for residential development at this site has previously been approved by the council in 2015 (ref: 2015/90207).
- 10.3 The site is within the green belt. Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the green belt, and paragraph 143 states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF does, however, list kinds of development (involving the construction of new buildings) as exceptions that can be regarded as appropriate, including:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 10.4 It is accepted that the application site is previously-developed (brownfield) land.
- 10.5 The application site currently accommodates buildings that rise to approximately 10m in height. Much of the remainder of the site is hard surfaced. A telecommunications mast exists within the site, close to its northwest boundary. Various boundary treatments surround the site, including dry stone walls (with ceramic pipe copings) along the street frontage.

- 10.6 Given what currently exists on site, and the impact of the existing development upon the openness of the green belt, it is accepted that residential development here can be carefully designed so that it would not have a *greater* impact on the openness of the green belt. It is noted, however, that a further, detailed assessment (regarding impacts upon the openness of the green belt) would need to be carried out at Reserved Matters stage, when details including site layout, density, heights and massing, visibility of buildings, materials and landscaping would be known.
- 10.7 At this current outline stage, the applicant has made arguments in the submitted Planning Statement regarding impacts upon the openness of the green belt, including an argument that approved (but unbuilt) extensions should be taken into account when comparing the proposed development with what currently exists (or could exist) on site. These points are noted, and while consideration must be given to the precise wording of paragraph 145g of the NPPF (and in particular its reference to *existing* development, and lack of reference to *approved but unbuilt* development), as noted above this matter would need to be considered further at Reserved Matters stage.
- 10.8 UDP policy B4 states that proposals involving the change of use of premises and sites with established use, or last used, for business and industry will be considered having regard to several criteria. Of note, the site is not allocated for employment uses in either the UDP or the emerging Local Plan, the site is currently vacant, and it is surrounded by residential and agricultural uses. In considering the previous application (ref: 2015/90207) for residential development at this site, officers noted that the site had been marketed, and that it was unlikely that it would lend itself to re-use for business or industrial uses. Emerging Local Plan policy PLP8 does not protect the previous use of the site.
- 10.9 Given the above, it is considered that residential development at this green belt site is acceptable in principle, and outline planning permission can be granted again. Notwithstanding the lack of indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to the openness of the green belt, trees, drainage, POS requirements, coal mining legacy, highways, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (Reserved Matters) application stage. Noting that the site is close to an existing residential settlement with reasonably good access to public transport and other facilities, and that this is a previously-developed (brownfield) site, it is considered that residential development at this site can be regarded as sustainable development.
- 10.10 The site's constraints and opportunities would determine what number of units would be possible at Reserved Matters stage.

Urban design issues

- 10.11 Relevant design policies include chapters 12 and 13 of the NPPF, UDP policies G4 and BE2, and emerging Local Plan policies PLP2, PLP24, PLP57 and PLP59.

- 10.12 The site has several constraints relevant to design, including its green belt location, and its visibility from several locations along Cumberworth Lane and other publicly-accessible vantage points.
- 10.13 As no indicative proposed site layout plan has been submitted, no further consideration is necessary at this outline stage in relation to townscape, layout, heritage assets, landscaping and other design matters. However, it can be noted at this stage that consideration of these matters would be necessary at Reserved Matters stage, that a sensitive layout and design will be required to ensure the development would have no greater impact upon the openness of the green belt than the existing development, and to ensure compliance with NPPF paragraph 145g.

Residential amenity and quality

- 10.14 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.15 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.16 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The number of vehicle movements along the area's streets would increase, however it is noted that vehicular access could be taken directly from Cumberworth Lane without vehicles having to pass existing dwellings on other nearby streets.
- 10.17 The proposed residential use is not inherently incompatible with the existing agricultural and residential uses nearby. Any noise-related constraints at the site will need to be factored into any design brought forward at Reserved Matters stage. At the current outline stage, a condition is recommended, requiring the submission of a noise report which, if necessary, will need to include noise mitigation measures to protect future residents from the impacts of noise.
- 10.18 With appropriate conditions applied, and subject detailed consideration at Reserved Matters stage, there are considered to be no reasons why new dwellings at the application site could not be provided with adequate levels of amenity, including in relation to noise, natural light, privacy and outlook.

Highway issues

- 10.19 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. Chapter 9 of the NPPF requires the council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.

- 10.20 Highways Development Management (HDM) officers have not expressed concern regard the principle of residential development at this site. Detailed consideration of access, layout, number of residential units, vehicle movements and the adequacy of access in relation to highways safety would be necessary in response to a Reserved Matters application, however an approval of outline permission would not undermine the need for proper consideration of these matters at that later stage.
- 10.21 In later comments, HDM officers advised that 2.4m by 125m visibility splays would be required if vehicular access was to be taken from Cumberworth Lane. Splays of this length would be required due to the speed limit along this stretch of Cumberworth Lane being 60mph. 125m long splays, however, would not be easily achievable as the site's street frontage only measures approximately 53m, and Cumberworth Lane turns and runs downhill south of the application site.
- 10.22 It is possible, however, that 125m long splays would not be required if actual driven speeds along this stretch of Cumberworth Lane are less than 60mph. At Reserved Matters stage, the applicant would need to submit up-to-date speed survey information to demonstrate that shorter splays are appropriate. Alternatively, the applicant would need to propose a different, acceptable solution (such as a Traffic Regulation Order to reduce the speed limit, if practical in this location) that would satisfactorily address highways safety concerns.

Drainage issues

- 10.23 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted.
- 10.24 The Lead Local Flood Authority have requested drainage information in support of the proposed development. It is considered, however, that detailed information regarding drainage and flood risk need not be pursued at this stage, given that a proposed site layout, and details of the number of units and their locations in relation to potential sources of flood risk, would not be fixed should outline permission be granted. Detailed information would, however, be required at Reserved Matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds, should outline permission be granted.

Ecological considerations

- 10.25 The application site is in an area where bats are known to be present, and is within an SSSI Impact Risk Zone, however the nature of the proposed development does not trigger a need to consult Natural England in this instance. The site is not subject to any other adopted designations or allocations in relation to ecology, applicant's information indicates that the site has lower value habitats and does not support important ecological features (including protected species), therefore significant ecological effects are considered unlikely. No net biodiversity gain has been demonstrated yet, however as this an outline application with all matters reserved, there is scope for details to be submitted at Reserved Matters stage to demonstrate that a net biodiversity gain would be delivered. An appropriate condition has been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF.

Trees

- 10.26 Tree Preservation Order 04/17/w1 protects trees to the north and west of the application site. These trees are a constraint that will need to be accounted for when a proposed layout is brought forward at Reserved Matters stage. The proposed locations of dwellings would need to ensure that root protection zones and crown spreads are not encroached upon, and that windows and amenity spaces are located to avoid future pressure to fell or prune these trees.
- 10.27 There are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.
- 10.28 A full tree survey and arboricultural impact assessment will be required at reserved matters stage.

Coal mining legacy

- 10.29 The application site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority have advised that within the application site and surrounding area there are coal mining features and hazards, that underground coal mining has taken place beneath the site at shallow depth, and that further historic, unrecorded, shallow underground coal workings are likely to be present. There is a recorded mine entry with the site, and two further recorded mine entries within 20m of the site.
- 10.30 The applicant's Coal Mining Risk Assessment recommends investigation of shallow mine workings and mine entries across the site prior to development taking place.
- 10.31 The Coal Authority raised no objection to the previous application (ref: 2015/90207) subject to the imposition of a condition requiring investigation and treatment of coal mining legacy affecting the site. For the current application, the Coal Authority has raised no objection, and a re-commencement condition is again recommended.

Representations

- 10.32 No representations have been received from the occupants of adjacent properties.

Planning obligations

- 10.33 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.34 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 0.62 hectares. At outline stage, a condition can be imposed requiring the provision of public open space (which may take the form of an off-site lump sum contribution).

- 10.35 An education contribution may be required. This would depend upon the number of units proposed at this site, and the sum would be determined at reserved matters stage. A relevant condition is recommended.
- 10.36 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a reserved matters application is considered. The provision of Metro cards for residents may be appropriate. The need for such provisions would be determined at reserved matters stage, and a relevant condition is recommended.
- 10.37 S106 provisions relating to drainage maintenance, management and adoption may also be necessary. These matters would be considered further at reserved matters stage.

Other matters

- 10.38 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.39 The proposed development would cause an increase in vehicle movements to and from this vacant site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed to encourage the use of sustainable and low-emission modes of transport, is likely to be required at Reserved Matters stage.

11.0 CONCLUSION

- 11.1 The site is within the green belt, however the NPPF allows for redevelopment of previously-developed (brownfield) sites in such locations where the development would not have a greater impact on the openness of the Green Belt than the existing development. Outline planning permission for residential development at this site has previously been approved. The principle of residential development at this site remains acceptable.
- 11.2 The site is constrained in relation to its green belt location, trees, drainage, neighbour amenity, coal mining legacy and other planning considerations. While these constraints would necessitate careful and detailed consideration at Reserved Matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.
- 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 can be regarded as 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 OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Details of access, internal roads, visibility and highways works
6. Travel plan
7. Construction management
8. Ecology, landscaping and ecological design strategy
9. Drainage
10. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
11. Public Open Space
12. Education
13. Transport measures
14. Noise Report
15. Contamination Reports
16. Drainage and Yorkshire Water conditions
17. Construction environmental management plan
18. Electric vehicle charging points

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93001>

Certificate of Ownership – Certificate A signed