
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 20-Dec-2018****Subject: Planning Application 2018/92048 Erection of 4 detached dwellings
land at, Gregory Drive, Kirkburton, Huddersfield, HD8 0XH****APPLICANT**

S Capewell

DATE VALID

21-Sep-2018

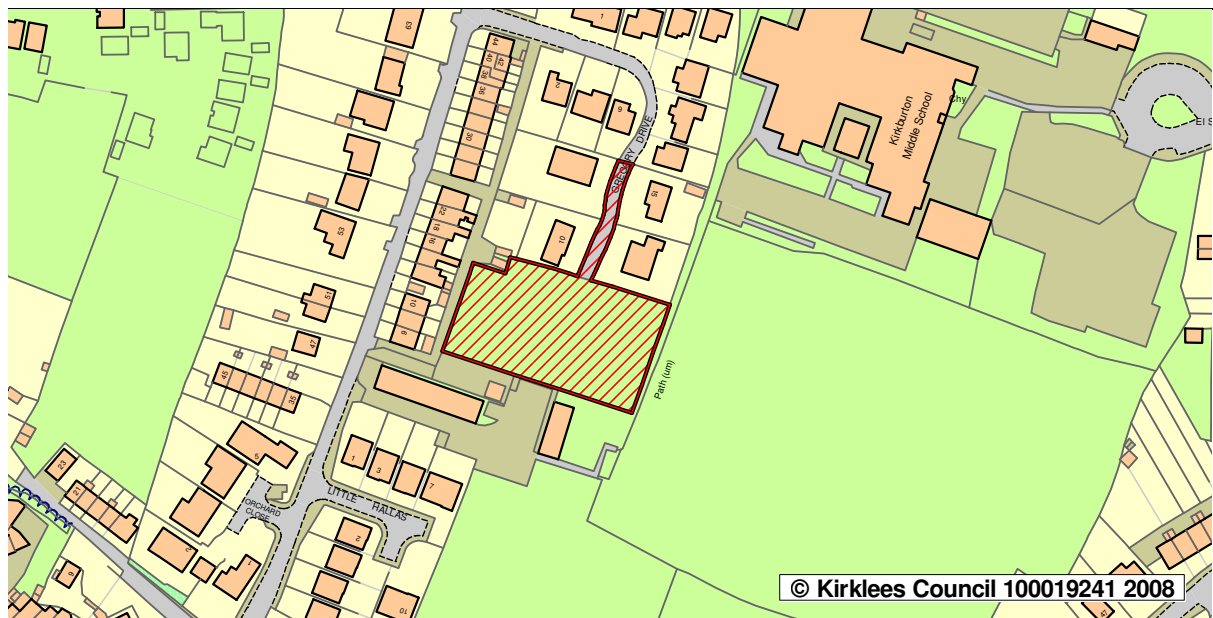
TARGET DATE

16-Nov-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
(referred to in report)

RECOMMENDATION:

DELEGATE approval and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee due to the number of representations received. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is an area of shrub land located to the south of Gregory Drive in Kirkburton. The site is enclosed by a stone boundary wall and predominantly comprises low shrubbery and small trees. There is no direct access or opening to the site.
- 2.2 To the North of the site are property nos. 10 and 17 Gregory Drive with further terraced dwellings on Hallas Road to the West. To the East of the site is a playing field used by Kirkburton Middle School.
- 2.3 The site is unallocated land within the Kirklees Unitary Development Plan and also unallocated within the Publication Draft Local Plan.

3.0 PROPOSAL:

- 3.1 The application is for the erection of 4 no. four bedroom detached dwellings.
- 3.2 Plots 1 to 3 would be located to the East of the site with plot 4 located to the West.
- 3.3 Plot 1 is a bungalow style dwelling with gable fronting and attached garage to the side with a single storey element to the rear. The dwelling offers a lounge, kitchen/diner, orangery and en-suite bedroom at ground floor with a further two bedrooms and a study at first floor level.

- 3.4 Plots 2 and 3 would comprise two storey dwellings with gable fronting and single storey projections to the front and rear with integral garage. At ground floor the dwellings would contain a lounge, kitchen/diner, orangery and utility. At first floor level there would be four bedrooms with family bathroom and en-suite
- 3.5 Plot 4 is the largest of the proposed dwellings with double gable frontage and attached double garage. The principal elevation would contain central glazed panels with entrance. At ground floor level the dwelling would benefit from a lounge, study, living/kitchen/diner with orangery and utility. At first floor level there would be four double bedrooms with en-suite and family bathroom. The basement would provide a proposed recreation area.
- 3.6 The dwellings each have an integral garage with associated off-street parking provision.
- 3.7 All four of the dwellings will be served via the shared access and turning head which will extend from Gregory Drive to the North of the site. The existing access is a private drive which would be brought to an adoptable standard.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2006/95244 Erection of 2 no. detached dwellings with integral garages
Refused
- 2008/90468 Erection of 2 detached dwellings with integral garages
Conditional full permission
- 2011/90244 Extension to time limit for implementing existing permission
number 2008/90468 for erection of 2 detached dwellings with integral
garage
Extension to time limit granted

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has been in negotiations with the agent following the initial consultation response from K.C Highways Development Management. It was requested by the Council's Highways Development Management Officer that an amended red line boundary be submitted to the show the application site to an adopted highway. The amended plan and Certificate B (signed 28.09.2018) was submitted on 11.09.18 and subsequently re-advertised.
- 5.2 The K.C Highways Development Management Officer also requested plans be submitted showing the levels of the site, bin positions and swept path analysis to show adequate turning space for refuse and emergency vehicles. The amended plans were received on 16.11.2018.
- 5.3 The agent stated within the application form that the proposed dwellings would be drained using SUDs. The applicant was required to submit evidence that the use of SUDs at the site was acceptable. This evidence was submitted on 21.11.2018.

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 is unallocated on the Kirklees Unitary Development Plan proposals map and unallocated on the Kirklees Publication Draft Local Plan.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
T19 - Parking
G6 – Contaminated land
EP4 – Noise sensitive development
NE9 - Trees

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

PLP 21 – Highway Safety and Access
PLP 22 – Parking
PLP 24 – Design
PLP 33 - Trees
PLP 30 – Biodiversity and Geodiversity
PLP33 - Trees
PLP 52 – Protection and improvement of environmental quality
PLP 53 – Contaminated and unstable land

6.5 National Planning Policy Framework (NPPF):

Chapter 5 – Delivering a sufficient supply of sustainable homes
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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Fifteen representations were received following the public consultation period. A summary of the comments is set out below:

Against

- The application form states that there are no trees or hedges on the site. This is incorrect. The majority of the site is either trees or substantial bushes which attract wildlife, birds, bats and foxes.
- Hallas Road is a narrow road which struggles to accommodate the traffic at present including children walking to the local school and skate park. Construction traffic would find it difficult and potentially dangerous to navigate Hallas Road and Gregory Drive.
- Previous planning approval was for 2 detached dwellings only with a different access. Why has the amount now doubled and access altered?
- There is very little demand for such properties within the immediate area.
- A further four homes would increase the demand on the local school and GP practice.
- The development will increase traffic in Kirkburton centre at peak times.
- Gregory Drive and Hallas Road already suffer from significant access difficulties with vehicles parked on both sides of the road at the entrance to Gregory Drive making it difficult to get in and out.
- There is regularly no room for emergency and refuse collection vehicles.
- There are already problems of drainage at the bottom of Hallas Road during the winter months
- This would be the third development in the last few years within a couple of hundred metres of Gregory Drive where the wider access to main roads during bad weather is already poor. The local school access and parents dropping off children mean that roads are already under pressure.
- The character of the local area has been compromised in recent years and the area needs to retain some open land and greenery.
- Redrow are currently constructing 97 new houses on the land behind the football field known as Gregory's field.
- There is now only a limited area of green space and woodland left for local residents to enjoy.
- Part of the area for development is a protected area for bats, which together with the local bird population should be allowed to remain intact.
- There will be a lengthy time of noise and disruption to our usually quiet area.
- The reason moved to property was for the countryside look towards the rear of the property.
- Concerned about the loss of privacy in that people will see into the decking area and driveway.
- The proposed parking/turning area will attract ball games etc. which can easily cause damage to the vehicles.
- The additional houses will mean more passing traffic using Gregory Drive, as there will be a minimum of 2 cars per house, together with the usual delivery vans.
- Cars are regularly double parked at the entrance and, at times, the bin lorries have been unable to gain access.
- The road surface is already poor and will be greatly affected.

- Surface water is indicated on the application form to be drained via soakaways. No details have been submitted of this or evidence that soakaways will work on the site.
- The red line boundary was altered to extend to the limit of adoption therefore certificate B should be completed and appropriate notice given.
- The site is currently served off a private drive serving 4 houses. A further 4 houses would exceed the number by 3. The bottom section of Gregory Drive should first be adopted to enable the application site to remain as a private drive.

Support

- The development of four houses in such a large plot is perfectly reasonable when we see how other areas have been developed.
- Four houses at an average of 2 cars per household is not a major traffic threat to Gregory Drive or Hallas Road.
- The field is overgrown and used as a tip and a 'cut through' for teenagers.
- Had numerous visits from Environmental Health to deal with the plague of rats.
- The properties are in keeping with those on Gregory Drive.
- The creation of a turning circle will be a major benefit to all.
- The adoption of the lower half of Gregory Drive will ensure ongoing maintenance.
- An added benefit will be the addition of visitor spaces to reduce the number of vehicles parking on the road side.
- The land is overgrown, unsightly as well as a health hazard with mice and rats.

Comment

- Concern that access for the large construction vehicles will be via Gregory Drive and these may block residents in and damage the water metre which is located near to the road.

Cllr Armer - Question to officer if there is any prospect of either a negotiated accommodation with the developer to upgrade/amend the existing entrance to Gregory Drive or to condition an improved access.

If the land is owned by KMC, is it possible to secure a S106 agreement to fund the works, should KMC be minded to improve the access?

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objection subject to the addition of conditions which require the areas to be surfaced and drained; a scheme to be submitted and approved detailing the proposed internal adoptable estate roads and a scheme to be submitted and approved detailing the works to surface and reconstruct the un-adopted section of Gregory Drive.

The Coal Authority – No objection to the proposed development. The content and conclusions of the submitted Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. It is recommended that further more detailed considerations of ground condition, foundation design and gas protection measures may be required as part of a subsequent building regulations application.

8.2 **Non-statutory:**

K.C Ecology – No objection subject to the addition of conditions which require the submission of an Ecological Design Strategy (EDS) and a restriction on the time periods for the removal of hedgerows, trees, shrubs or brambles from the site.

K.C Trees – No objection to the proposed development. The trees on site are considered to be not worthy of protection.

K.C Environmental Health – No objection subject to the addition of conditions requiring the reporting of any unexpected land contamination; the addition of electric vehicles charging points and the submission of a noise report.

9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 The site is unallocated within the Kirklees Unitary Development Plan (UDP), therefore policy D2 applies. Policy D2 states that “planning permission for the development of land and buildings without notation on the UDP proposals map, and not subject to specific policies in the plan, will be granted provided that proposals do not prejudice the following:

- The implementation of proposals in the plan;
- The avoidance of over-development;
- The conservation of energy;
- Highway Safety;
- Residential Amenity;
- Visual Amenity;
- The character of the surroundings;
- Wildlife interests; and
- The efficient operation of existing and planned infrastructure.

- 10.2 Part of the site to the South benefits from a previous permission for the erection for two detached dwellings under application 2008/90468. An extension to time for implementing the permission was granted under application 2011/90244. Therefore the principle of housing on part of the site has been established. The use of the northern area of the site as housing is considered acceptable given the previous permission and the location of the site within a sustainable location in a predominantly residential area.

Impact on visual amenity

- 10.3 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 127 of chapter 12 of the NPPF sets out that, amongst other things, planning decisions should ensure that developments function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and; is sympathetic to local character and history
- 10.4 The site is bordered by residential development, with neighbouring properties comprising of a mix of detached, semi-detached and terraced properties. The proposal seeks permission to erect four dwellings on the site with access road and parking.
- 10.5 Policy D2 of the UDP seeks to avoid overdevelopment of a site and Policy BE1 stipulates all development should be of good quality design which promotes a health environment, including space and landscaping about buildings.
- 10.6 The four detached dwellings are considered to be acceptable in terms of scale and design and, in the opinion of officers, sit well within the site. The site is enclosed by a mix of built forms with terraced dwellings to the West and bungalows to the North; a gym and public hall with car parking to the South and open playing field to the East.
- 10.7 The ground level of the site decreases steadily from North to South and West. Although the height of the proposed dwelling plots 4 and 1 are two storey the proposed height corresponds with the existing dwellings on Gregory Drive and would continue the line of built form.
- 10.8 Plots 1 to 3 are considered to be acceptable in style and design. There are a mixture of build types along Gregory Drive some of which have a corresponding gable frontage. There is adequate spacing between the properties with a proposed open frontage to soften the built form within the street scene. Should the application be approved, a condition is recommended for details of the frontage and boundary treatments to be submitted, in the interests of visual amenity.
- 10.9 Plot 4 is the largest of the proposed dwellings and would stand alone on the West of the site. The double fronted gable corresponds with examples of similar features within Gregory Drive. The double height glazed panels central to the principal elevation are a feature which is not evident within the street scene. However, as the dwelling will be located to the end of a cul-de-sac there is considered to be a limited impact on visual amenity.

- 10.10 In summary, there would be no undue harm to the visual amenity enjoyed by occupiers of neighbouring properties or the wider streetscene. As such, the application is considered to comply with Policies D2, BE1 and BE2 of the UDP, Policy PLP24 of the PDLP and guidance contained within Chapter 12 of the NPPF.

Impact on residential amenity

- 10.11 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties and Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include 17 Gregory Drive and 10 Gregory Drive to the North; 6-16 Hallas Road and Kirkburton Uniformed Groups HQ to the South.
- 10.12 In respect of 17 Gregory Drive, this is a detached bungalow located to the North of the application site. It is proposed to site plot 1 adjacent to the property with a separation distance of 1.45m to the boundary. Although the distance falls slightly short of the recommended 1.5m distance in BE12, as the proposed gable of plot 1 is blank there is considered to be no impact from overlooking.
- 10.13 There is a window and door proposed to the orangery which faces towards the shared boundary with 17 Gregory Drive. There is a distance of 10.5m between this door and the shared boundary which will be subject to a boundary treatment. It is considered therefore that there would be no impact of overlooking.
- 10.14 No. 10 Gregory Drive is a two storey detached dwelling located to the North of the application site. It is proposed to site plot 4 adjacent to the property with a separation distance of 2.87m to the boundary. This distance is acceptable in accordance with the guidance set out within policy BE12. It is proposed to site the single storey attached garage adjacent to the shared boundary. There are no windows proposed within the North elevation of the garage and as such there is no considered impact on overlooking or overshadowing.
- 10.15 Properties 6-16 Hallas Road are two storey terraced dwellings located to the West of the application site and separated by a private access road. There is a distance of 20.8m at the shortest distance between the proposed rear elevation of plot 4 and the rear elevations of properties on Hallas Road. This distance is a minor 0.2m from the recommended 21m as such the distance is considered acceptable so as to not impact on the privacy of these adjacent occupiers.
- 10.16 To the South East of the site is a Kirkburton Uniformed Groups HQ which is single storey building. There is also a single storey private garage to the South West. There is a separation distance of 4.57m between the site and Uniformed Groups HQ and a distance of 4.8m to the garage. There is a secondary bedroom window proposed within the South elevation of plot 4. As this will overlook a garage there is no considered impact of overlooking.

- 10.17 There is a proposed distance of 22m between the proposed plot 4 and plots 1-3 which is in compliance with the recommended distance set out within Policy BE12.
- 10.18 In summary, the application is considered to be acceptable with regards to residential amenity, complying with Policy D2 of the UDP, Policy PLP24 of the PDLF and guidance contained within Chapter 12 of the NPPF.

Highway Safety

- 10.19 UDP Policy T10 sets out the matters against which new development will be assessed in terms of highway safety. The application seeks approval for 4 no. four-bedroomed dwellings, each with an attached garage and driveway parking for two additional vehicles. The new access is proposed to be taken from Gregory Drive with a substantial turning head at the Southern boundary. It is also proposed to extend the adopted highway to include the highway up to 6 and 13 Gregory Drive.
- 10.20 The details submitted are acceptable in terms of highway safety and design with the addition of conditions to ensure the construction of the new access and internal adoptable road and the adequate surface and drainage of all surfaces.
- 10.21 In all, the proposal is considered acceptable from a highway safety and efficiency perspective, in accordance with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLF.

Representations

- 10.22 Fifteen representation were received as a result of the public consultation period. In so far as they have not been addressed above:

Against

- The application form states that there are no trees or hedges on the site. This is incorrect. The majority of the site is either trees or substantial bushes which attract wildlife, birds, bats and foxes.

Response: The existing site is addressed in the report above and the existing character of the site was evident at the time of the Case Officer's site visit.

- Hallas Road is a narrow road which struggles to accommodate the traffic at present including children walking to the local and school and skate park. Construction traffic would find it difficult and potentially dangerous to navigate Hallas Road and Gregory Drive.

Response: The assessment by the highways officer is addressed in the report above. It is considered that the local highway network can accommodate the increase in vehicular movements that would be generated by this proposal.

- Previous planning approval was for 2 detached dwellings only with a different access. Why has the amount now doubled and access altered?

Response: The principle of residential development on the site has been established as set out above.

- There is very little demand for such properties within the immediate area.

Response: Kirklees Council do not currently have a 5 year housing supply. The proposed development would contribute to housing supply in a time of need.

- A further four homes would increase the demand on the local school and GP practice.

Response: Due to the scale of the development the impact on services within the area would be considered to be minor.

- The development will increase traffic in Kirkburton centre at peak times.

Response: The assessment by the highways officer is addressed in the report above; the proposal is not considered to result in undue harm to highway safety or efficiency.

- Gregory Drive and Hallas Road already suffer from significant access difficulties with vehicles parked on both sides of the road at the entrance to Gregory Drive making it difficult to get in and out.

Response: The assessment by the highways officer is addressed in the report above and considered acceptable from a highway perspective.

- There is regularly no room for emergency and refuse collection vehicles.

Response: The assessment by the highways officer is addressed in the report above.

- There are already problems of drainage at the bottom of Hallas Road during the winter months

Response: The applicant has submitted sufficient information to demonstrate that the site can be adequately drained, and this can be controlled by condition

- This would be the third development in the last few years within a couple of hundred metres of Gregory Drive where the wider access to main roads during bad weather is already poor. The local school access and parents dropping off children mean that roads are already under pressure

Response: Due to the scale of the development the impact on services within the area would be considered to be minor

- The character of the local area has been compromised in recent years and the area needs to retain some open land and greenery.

Response: The planning permission will be subject to a landscape scheme, in the interests of visual amenity.

- Redrow are currently constructing 97 new houses on the land behind the football field known as Gregory's field.

Response: Kirklees Council do not currently have a 5 year housing supply. The proposed development would contribute to housing supply in a time of need.

- There is now only a limited area of green space and woodland left for local residents to enjoy.

Response: The principle of residential development on the site is addressed in the report above

- Part of the area for development is protected area for bats, which together with the local bird population should be allowed to remain intact.

Response: The ecological impact of the proposed development is assessed in the above report.

- There will be a lengthy time of noise and disruption to our usually quiet area.

Response: A note will be added to the permission with recommended times for operation on the site.

- The reason we moved to our property was for the countryside look towards the rear of the property.

Response: The loss of a view is not a material consideration to a planning application

- Concerned about the loss of privacy in that people will see into the decking area and driveway.

Response: The impact on residential amenity is addressed in the report above

- The proposed parking/turning area will attract ball games etc. which can easily cause damage to the vehicles.

Response: The use of the highway for ball games cannot be restricted as part of a planning application.

- The additional houses will mean more passing traffic using Gregory Drive, as there will be a minimum of 2 cars per house, together with the usual delivery vans.

Response: The assessment by the highways officer is addressed in the report above

- Cars are regularly double parked at the entrance and, at times, the bin lorries have been unable to gain access.

Response: The assessment by the highways officer is addressed in the report above

- The road surface is already poor and will be greatly affected

Response: The assessment by the highways officer is addressed in the report above

- Surface water is indicated on the application form to be drained via soakaways. No details have been submitted of this or evidence that soakaways will work on the site.

Response: An infiltration testing report was submitted on 22.11.2018 which concludes that the use of soakaways on the site would be acceptable. A condition would be added to a permission requiring further details to be submitted.

- The red line boundary was altered to extend to the limit of adoption therefore certificate B should be completed and appropriate notice given.

Response: Certificate B was signed on 28.09.2018 and submitted on 11.09.2018.

- The site is currently served off of a private drive serving 4 houses. A further 4 houses would exceed the number by 3. The bottom section of Gregory Drive should first be adopted to enable the application site to remain as a private drive.

Response: A condition is added to a permission requiring the submission of a scheme for the surfacing and drainage of the private drive to an adoptable standard.

Support

- The development of four houses in such a large plot is a perfectly reasonable when we see how other areas have been developed.
- Four houses at an average of 2 cars per household is not a major traffic threat to Gregory Drive or Hallas Road.
- The field is over grown and used as a tip and a 'cut through' for teenagers.
- We have had to have numerous visits from Environmental Health to deal with the plague of rats.
- The properties are in keeping with those on Gregory Drive
- The creation of a turning circle will be a major benefit to all.
- The adoption of the lower half of Gregory Drive will ensure ongoing maintenance.

- An added benefit will be the addition of visitor spaces to reduce the number of vehicles parking on the road side.
- The land is overgrown, unsightly as well as a health hazard with mice and rats.

Response: The above comments are noted.

Comment

- Concern that access for the large construction vehicles will be via Gregory Drive and these may block residents in and damage the water meter which is located near to the road.

Response: The above comments are noted however the matter raised is outside of the remit of the planning process.

Cllr Armer - Question to officer if there is any prospect of either a negotiated accommodation with the developer to upgrade/amend the existing entrance to Gregory Drive or to condition an improved access.

Response: The application site does not include the access to Gregory Drive and therefore the Local Planning Authority would be unable to condition or request any works to the access by the applicant.

Any works to improve the access to Gregory Drive would be over 3rd party land as the footway ties into the boundary due to the narrow width of the road. The proposed works to bring part of Gregory Drive to an adoptable standard and the creation of a turning circle would be considered to improve highway safety specifically with regards to turning for emergency and service vehicles which at present they are unable to do

The Highways team were consulted as part of the decision process with no objection subject to condition.

Other Matters

- 10.23 ***Environmental Health*** - A formal consultation was requested from Environmental Health as part of the assessment process. The Environmental Health Officer confirmed that the site has been identified as potentially being contaminated land due to the proximity to a former quarry. Therefore a condition is recommended which requires the reporting of any unexpected contamination throughout the development.
- 10.24 As the site is within close proximity to the playing field of Kirkburton Middle School (to the East) a condition is required for the submission of a noise report which will address any impact from the level of noise on the future occupiers of the proposed dwellings.
- 10.25 As the application is proposed for residential development it is recommended that a condition be added to require facilities for the charging of electric vehicles and other ultra-low emission vehicles in accordance with the Air Quality and Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.
- 10.26 ***Ecology*** – A formal consultation was requested from K.C Ecology as the site falls within the bat alert area. The site is currently scrub land with no buildings on the site. There is no considered impact to the roosting bats as a result of the development. However, it is recommended that a condition be added requiring the submission of an Ecological Design Strategy (EDS) and a condition which will restrict the timeframe for the removal of vegetation from the site.

- 10.27 **Trees** - There are a number of trees on the site therefore a consultation was requested from the Arboricultural Officer. It is considered by the Officer that none of the trees are worthy of protection. There is an area of small trees and shrubs which may be lost as part of the proposals and therefore suitable mitigation would be advised to be sought as part of a landscaping scheme. The proposal is considered to support the aims of Policy NE9 of the UDP and Policy PLP33 of the PDLP.
- 10.28 **Drainage** – The applicant has stated within the submitted application form that the proposed dwellings will be drained using soakaways. Standard advice from the Lead Local Flood Authority states that evidence is required to be submitted by the applicant that the use of soakaways is appropriate for the site.
- 10.29 The applicant submitted a report regarding infiltration testing to inform soakaway feasibility at the application site (ref: H18127/JR/2018.11.21). The report concludes that the site is assessed as a suitable medium for the disposal of surface water by way of infiltration, subject to further detailed design.
- 10.30 A condition is recommended for the submission of a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water at the application site. Subject to the submission of this information, the development is considered to accord with Policy D2 of the Kirklees UDP.
- 10.31 **Coal Mining Legacy** - The application site falls within the defined high risk development area whereby there are coal mining features and hazards which would need to be considered in the determination of the application. As required, the applicant submitted a Preliminary Land Contamination and Geotechnical Risk Assessment which has been reviewed by the Coal Authority.
- 10.32 The Coal Authority confirmed that the content and conclusions of the submitted Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The proposed development is considered to be in compliance with Chapter 15 of the NPPF.

11.0 CONCLUSION

- 11.1 To conclude, the proposal would provide an acceptable number of dwellings for the size of the site to contribute towards the Council's 5 year housing supply. The overall design and layout of the scheme is considered acceptable from a visual and residential amenity perspective, and following receipt of amended plans during the course of the application, the proposal is also considered acceptable in relation to highway safety and efficiency. All other relevant matters, as outlined above, are also considered by officers to have been addressed.
- 11.2 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.

- 11.3 This application has been assessed against the relevant policies in the development plan and other materials considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. Standard three year timeframe for the development to begin.
2. The development to be carried out in accordance with the approved plans.
3. Submission of details of building materials.
4. Submission of Report of unexpected land contamination
5. Submission of a noise report
6. Electric vehicle charge points
7. Submission of an Ecological Design Strategy
8. Restriction of timescale for removal of hedgerows, trees, shrubs and brambles
9. Submission of a scheme for internal adoptable estate roads
10. Submission of a scheme detailing works to reconstruct un-adopted section of Gregory Drive
11. Surfacing and drainage of areas to be used by vehicles and/or pedestrians
12. Restriction of PD rights for new openings within North elevation of plots 1 and 4 and South elevations of plots 3 and 4
13. Submission of a full hard and soft landscaping scheme
14. Submission of details of boundary treatments

Background Papers:

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/92048>

Previous application 2008/90468:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f90468>

Certificate of Ownership – Certificate B signed and dated 28.09.2018.