
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 19-Dec-2019****Subject: Planning Application 2019/91467 Erection of 67 dwellings with associated access and parking land south of, Granny Lane, Mirfield****APPLICANT**

Miller Homes Ltd

DATE VALID

02-May-2019

TARGET DATE

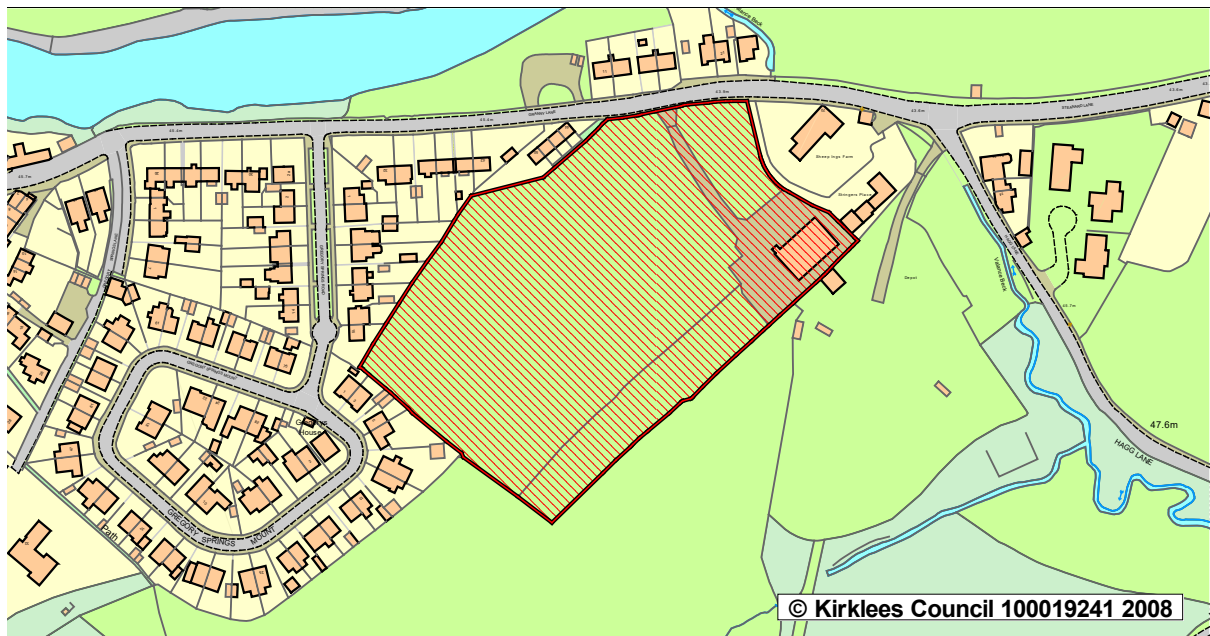
01-Aug-2019

EXTENSION EXPIRY DATE

14-Jan-2020

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 Ward Affected: Mirfield

Yes

Ward Members consulted

RECOMMENDATION:

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development 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:

- (i) The provision of 13x affordable houses (56% social affordable and 46% intermediate)
- (ii) An off-site contribution of £58,808.00 to address the shortfall in open space requirements
- (iii) An educational contribution of £157,992
- (iv) Measures to encourage sustainable modes of transport including Travel Plan monitoring and arrangements and fees
 - £33,533.50 for bus only Residential MCards.
 - £10,000 for a real time information display at bus stop 17564
 - £10,000 to fund the Travel Plan

Totalling £53,533.50

(v) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals including a £3,000 financial contribution to contribute towards the future upgrade of a piped water course at the southern edge of the site.

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 67 dwellings.
- 1.2 The application has been brought to the Strategic Planning Committee for determination as it relates to a residential development of more than 60 units.
- 1.3 A Pre-application submission under ref 2018/20301 was received for the erection of residential development at this site on 12 July 2018. Advice was provided with regard to the following key issues:
 - Policy considerations
 - Design and Layout
 - Highways impacts
 - Flood risk and Drainage
 - Affordable Housing
 - Residential Amenity
 - Ecological Impacts
 - Trees Impacts
 - Environmental Impacts
- 1.4 It is considered that this submission has satisfactorily considered the matters raised with regard to aforementioned pre-application enquiry.
- 1.5 Initially the applicant was granted an extension of time to determine the application beyond the 13 week deadline for a major planning application. A request has been made for a further extension of time until after the date of this committee and a response to this request is awaited.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is approximately 2.2 hectares in size, is currently used for grazing horses and is located approximately 1 km south of Mirfield Town Centre.
- 2.2 The immediate area surrounding the application site is semi-rural in character with residential properties concentrated to the east and open land extending to the south. The river Calder is located to the north of the site on the opposite side of Granny Lane.
- 2.3 The site comprises two paddocks to the south of Granny Lane and agricultural/stables buildings. An existing vehicular access leads south from Granny Lane, providing access to the agricultural/stables buildings and an area of hardstanding surrounding the building. The largest paddock is generally rectangular in shape, with residential development on the northern, eastern and western sides. A smaller, narrow paddock runs along the south/south eastern boundary, separated from the main paddock by a hedgerow.
- 2.4 Sheep Ings Farm is located to the east of the site, close to Granny Lane. The farm comprises a farmhouse and attached barn, which are Grade II listed buildings.

- 2.5 The site is allocated for residential development in the Local Plan (site allocation HS66). Biodiversity Opportunity Zones (Flood Plains and Pennine foothills) cover the site and the northern part of the site is located within Flood Zones 2 and 3. The remainder of the site is within Flood Zone 1. The majority of the site is within the Development High Risk Area as defined by the Coal Authority and a small area at the northern boundary of the site lies within the inner middle and outer consultation zones of a High pressure gas main which is located in the immediate vicinity. The site is within a minerals safeguarded area where potential sand and gravel and surface coal resources are located.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 67 dwellings which includes 13 affordable homes which would represent 20% of the dwellings on site.
- 3.2 A single access road is proposed from Granny Lane, utilising an existing access into the site, which will be widened to meet adoptable highway standards and create a new priority 'T' junction. The existing stone wall at the entrance will be taken down and re-built at the rear of the visibility splay and a widened footpath provided.
- 3.3 The internal access road will be a loop road, providing access to houses external and internal to the loop. A range of house types and sizes is proposed providing 2, 3, 4 and 5 bedroom homes of mainly semi-detached and detached styles although a block of town houses is included.
- 3.4 Red brick and a mixture of red brick and render is proposed for the elevations of the dwellings with a mix concrete roof tiles.
- 3.5 A local play area and public open space measuring approximately 2,350m² is proposed at the entrance to the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is no recent planning history relating to the site. However, it is considered that the following historic planning applications are relevant to this proposal.

88/05073 – Outline application for residential development (Withdrawn)

88/05310 – Outline application for 10 houses with garage and new access road (Refused)

98/90303 – Erection of farm store and building (Approved)

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

- 5.1 Written pre-application advice was provided on 24/08/2018
- 5.2 As set out in the applicant's Statement of Community Involvement, the applicant delivered letters to the occupants of residential properties in the vicinity of the application site and confirmed the receipt of 15 letters in response.

5.3 During the life of the application, the applicant has provided the following additional information:

- A revised Flood Risk Assessment and additional drainage information
- Revised layout to accommodate surface water drainage arrangements
- Supplementary highways information in the form of a Technical Note
- Revised Landscape Planting

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

6.2 Kirklees Local Plan (2019):

6.3 The site is allocated for residential development in the Local Plan (site allocation HS66). The site allocation sets out an indicative housing capacity of 70 dwellings and identifies the following constraints relevant to the site:

- Part of the site is within Flood Zone 2 & 3
- Site is close to Listed Buildings Part
- All of the site is within a high risk coal referral area
- Site affected by hazardous installations / pipelines

6.4 Site allocation HS66 also identifies several other site specific considerations which are outlined below:

- No residential development to take place in flood zone 3
- Adjacent to the Wildlife Habitat Network
- Links required to the core cycling network
- Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Building, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.
- In order to safeguard the setting of the Grade II Listed Building known as Sheep Ings Farmhouse, no development shall take place on the field/area marked as high significance in council's HIA to the east of the track running south from Granny Lane across the site

6.5 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Historic environment
LP38 – Minerals safeguarding
LP49 – Educational and health care needs
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP65 – Housing allocations

6.6 Supplementary Planning Guidance / Documents:

Relevant guidance and documents are:

West Yorkshire Low Emissions Strategy and Air Quality and Emissions
Technical Planning Guidance (2016)
Kirklees Strategic Housing Market Assessment (2016)
Negotiating Financial Contributions for Transport Improvements (2007)
Highways Design Guide

National Planning Policy and Guidance:

The National Planning Policy Framework (2019) 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 4 – Decision-making
- 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 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
- Chapter 17 Facilitating the sustainable use of minerals

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development via the erection of four site notices, an advertisement in the local press and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 15/06/2019.
- 7.2 Following the submission of amended plans further public consultation was carried out giving a publicity end date of 16.12.2019.
- 7.3 69 individual comments from occupants of neighbouring properties/members of the public and a petition containing 792 names have been received. The following is a summary of the points raised:

Flood Risk and Drainage

- The site regularly floods and acts as a flood plain which acts to store flood water and allow it to slowly discharge to existing water courses. Developing this site will therefore increase flood risk in the area.
- The river regularly floods and any occupants of these proposed development would be put at risk.
- Concern that comments from Yorkshire Water are based on surface water being drained to an existing water course and this has now changed.
- Concern that the sewer which would be used to drain surface water may not have adequate capacity.
- The site entrance is located within Flood zone 3 but the supporting Flood risk Assessment indicates it is located within Flood Zone 2.
- Concern the proposed surface water drainage channel on the southern boundary of the site will lead to flooding of existing properties to the south as the site is not suitable for a SuDS system
- Concern that the surface water drainage channel should not be maintained by a private management company as maintenance may not be carried out

Highways and Transport

- The proposal would lead to extra traffic which would detrimentally affect highway safety as Granny Lane and Steanard Lane are not adequate to deal with existing levels of traffic. Objectors have commissioned a traffic assessment to support this view a copy of which was passed to the Council's Highway Development Management Team for their consideration.

- Existing footways on Granny Lane and Steanard Lane are inadequate and additional traffic will increase the risk of pedestrians being injured.
- Existing transport infrastructure in this area would not be able to cope with the additional people associated with this development.

Wildlife/Environmental

- The proposal would have detrimental effect on local wildlife.
- The proposal would result in the loss of existing hedges which provide significant wildlife habitat.
- This development would result in the loss of Green belt.
- The loss of trees associated with this development is unacceptable.
- Trees and bushes have already been removed from the site without consent.

Heritage

- The development would have a detrimental impact on Sheep Ings farm which is a grade II listed building
- The field where development would take place is an archaeological site.

Local Amenity

- Allowing a further 67 dwellings in the area will lead to additional noise and air pollution.
- The development of the site would result in a loss of privacy for existing residents.
- There is no capacity at existing schools and doctor's surgeries to deal with this number of additional residents bearing in mind the number of other developments taking place in the area.
- The proposed location of the temporary compounds on site are unacceptable as they would lead to a loss of privacy for existing residents.

Miscellaneous

- Developing this land will effect existing house prices in the area.
- There are plenty of brownfield sites which should be developed before this site and this approach is encouraged by government.
- Coal mining has historically taken place in this area and houses built on this site may therefore be susceptible to subsidence.
- The development of this site is over development designed to maximise the profits of the developer.
- Previous planning applications to build on this site have been refused.
- The proposed houses are not in keeping with those existing in the area.
- The proposal does not include any significant measures to mitigate impacts on climate change.
- Banners and posters placed at the site by objectors have been removed without their consent.

Responses to the above comments are set out later in this report.

7.3 Mirfield Town Council was consulted on this proposal and responded as follows:

“Cllr Bolt Proposed MTC strongly opposes the development as it currently stands on the following grounds: impact on highways, sight lines, drainage & flooding, traffic, inadequate provision for infrastructure, over intensification of site, impact on Grade 11 listed building, coal workings, contaminated land, loss of green space & amenity, environmental impact and impact on local wildlife. The council requests in addition a full independent archaeological survey of the land. Cllr K Taylor Seconded Vote: All in favour”

8.0 CONSULTATION RESPONSES:

Statutory:

Coal Authority – No objection based upon the findings of the supporting Ground Conditions Assessment

KC Highways – No objection subject to planning conditions which require the following:

- Areas to be used by vehicles and/or pedestrians to be satisfactorily surfaced and drained
- The submission and approval of a scheme providing details of the adoptable estate roads
- The submission and approval of a construction management plan
- The submission and approval of a scheme providing details of all new retaining walls adjacent to the public highway
- The submission and approval of a scheme detailing all new surface water attenuation measures

In addition it is requested that any planning permission is subject to a section 106 agreement to secure measures to encourage sustainable modes of transport including travel plan and arrangements fees. These financial contributions comprise:

- £33,533.50 for bus only Residential MCards.
- £10,000 for a real time information display at bus stop 17564
- £10,000 to fund the Travel Plan

KC Lead Local Flood Authority – No objection subject to the following planning conditions/obligation

- (i) Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, connection to public sewer at a maximum of 5l/s, balancing works for the 1 in 100 + 30% climate change critical event, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.
- (ii) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
 - phasing of the development and phasing of temporary drainage provision.
 - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

- (iii) Development shall not commence until a scheme detailing the design, construction, operation, maintenance and management of emergency access roads and surface water flood route pathways to avoid curtilage flooding has been submitted and accepted in writing by the local planning authority. The scheme shall be installed and retained thereafter.

A financial contribution of £3,000 to contribute towards the future upgrade of a piped water course at the southern edge of the site.

The Environment Agency – No objection subject to the following measures:

- Finished floor levels shall be set no lower than 45.87 m above Ordnance Datum (AOD).
- No raising of ground levels in flood zone 3

Health and Safety Executive – No objection

Non-statutory:

KC Biodiversity Officer – No objection subject to planning conditions to secure proposed biodiversity enhancements and compensatory hedge planting

KC Conservation and Design – No objection.

KC Education – £157,992 secondary education contribution required. No primary school contribution required.

KC Environmental Health – No objection subject to planning conditions which require:

- Further intrusive investigations and that any on site contamination is satisfactorily dealt with
- That a noise assessment is carried out to assess the potential impact of nearby noise generating uses on the occupants of the new dwellings
- The installation of electrical vehicle charging points
- The submission of a travel plan which encourages the use of sustainable methods of transport
- The submission of a dust suppression scheme

KC Housing – No objection subject to an affordable housing tenure split of 54% social or affordable rent to 46% intermediate housing.

KC Landscape – No objection in principle. However, based on the number of dwellings, there is a shortfall of Public Open Space provision and a financial contribution of £58,808.00 is required in lieu of this shortfall. In addition, details of bin storage and collection must be agreed.

KC Trees – No objection.

WY Archaeology Advisory Service – Objects and advises that due to the potential for the site to be underlain by archaeological remains, an intrusive archaeological survey should be carried out prior to the application being determined.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle, but has recommended that the development should include the following measures:

- 1800mm high walls or close boarded fences to the rear of plots and as dividing boundaries between rear gardens.
- The regular maintenance of trees and hedges to maximise natural surveillance
- Clearly defined front garden areas
- The installation of doors and windows to comply with approved document Q of the Building Regulations
- Vehicle parking should be within each the curtilage of dwellings or within the view of the car owner
- All garages should allow the parking of an average sized family vehicle
- Shed/cycle storage should be to solid silver standard
- Refuse bins should be stored within rear gardens
- Each dwellings should be fitted with an intruder alarm

Yorkshire Water – No objections providing separate systems for foul and surface water drainage are provided onsite and via existing sewer off site subject to the surface water discharge rate being restricted to less than five litres per second.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees, landscaping and ecological considerations
- Ground conditions
- Heritage issues
- Other matters
- Representations
- Planning obligations

10.0 APPRAISAL

10.1 Land use, sustainability and principle of development

10.2 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

10.3 The Local Plan, which was adopted on 27 February 2019, sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. Consequently, the 67 dwellings proposed would make a significant and welcomed contribution towards meeting housing delivery targets of the Local Plan.

10.4 The site is included as a housing allocation in the Kirklees Local Plan (site allocation HS66), to which full weight can be given.

10.5 The site is, however, Greenfield land currently used to graze horses. Allocation of this and other Greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's Brownfield land, however some development on Greenfield land was also demonstrated to be necessary in order to meet development needs.

10.6 The application site is a sustainable location for residential development, as it is relatively accessible and is on the edge of an existing established settlement that is served by public transport and other facilities. Further reference to and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

10.7 Urban design

10.8 The proposed 67 residential units would be laid out around a loop access road which would connect to Granny Lane on the northern edge of the site. 31 units are proposed adjacent to the internal boundary of the access loop, and 36 are proposed adjacent to the external boundary of the loop. The new residential units would be laid out in an appropriate arrangement, where back gardens would back onto other (or existing) back gardens or open land to the east and

south of the site. It is considered that this layout gives clear definition and enclosure. Consequently ambiguous outdoor spaces would not be created and the layout provides for good natural surveillance to all areas of public realm.

- 10.9 An area of open space is proposed along the site's northern edge adjacent to Granny lane. This is considered an appropriate location for publicly-accessible open space, as it would help integrate the proposed development with its surroundings (this space would be accessible to existing residents to the west, as well as to new residents), and would help limit the visual impact of the development when seen from Granny Lane. Open space in this location would also help give the wider site a suitable entrance, which is considered important given that existing views across the site from this point on Granny Lane are of open land. This open space also helps to reduce the impact of the development on Sheep Ings Farm and its environs which is immediately adjacent to the site to the east.
- 10.10 Car parking has been designed into the proposals, the majority of which is located within the curtilage of individual properties. Parking spaces which are not within domestic curtilages are overlooked from adjacent residential properties allowing an adequate level of surveillance.
- 10.11 To ensure efficient use of land Local Plan policy LP7 requires developments should achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.12 With 67 units proposed on a site of approximately 2.23 hectares, a density of approximately 30 units per hectare would be achieved. This density figure, however, is based on the gross (red line boundary) site area figure. In this case a significant area of the site has been sacrificed to ensure dwellings are located in areas where flood risk is reduced away from the site entrance. Excluding this area, leaves a developable area of approximately 1.93 hectares which would equate to the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7. Officers therefore consider that the proposed density of development would ensure that the site is efficiently used,
- 10.13 The proposed mix of house types is considered acceptable. The development comprises 38 detached dwellings, 13 blocks of semi-detached dwellings (26 individual units) and a block of 3 town houses. These provide a range of 2, 3, 4 and 5 bedroomed properties. This is reflective of much of the existing housing in the vicinity of this site. Existing house types in the vicinity exhibit a range of designs and it is considered that the proposed range of house types would assimilate well with those existing and are therefore considered acceptable in design terms.
- 10.14 The applicant proposes the use of red brick and a mixture of brick and render and concrete tiles across the site. Again this reflects the variety of facing and roofing materials used in the vicinity of this site. In light of the above assessment, it is considered that the relevant requirements of chapter 12 of the NPPF, and Local Plan policies LP2, LP3, LP7, LP24 and LP35, would be complied with.

10.15 Residential amenity and quality

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

- 10.16 Acceptable separation distances are proposed between the new dwellings and existing neighbouring properties on Gregory Springs Road, Gregory Springs and Granny Lane and plots are oriented to ensure direct views into habitable room windows are avoided. Levels on site are similar to those surrounding the site and it is considered that the proposed separation distances would ensure existing neighbours would not experience significant adverse effects in terms of reductions in natural light and privacy.
- 10.17 It should be noted however that, while outlook is a material consideration relevant to this application, private views currently enjoyed by existing residents of Gregory Springs Road, Gregory Springs and Granny Lane across the green fields of the application site cannot be protected by the council in its determination of planning applications.
- 10.18 In terms of noise, although residential development would increase activity and movements to and from the site, given the number of units proposed and that new residents would not directly pass the majority of existing residential properties in the vicinity of the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.19 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of temporary drainage arrangements would need to be included in the CMP.
- 10.20 With regard to the West Yorkshire Low Emission Strategy, Environmental Health officers have recommended a condition, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.21 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.22 Although the Government's nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. The proposed dwellings would meet the minimum unit size figures set out in this guidance.
- 10.23 All of the proposed houses would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.

- 10.24 All of the proposed houses would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.25 An area of open space is proposed next to the site's northern boundary, adjacent to Granny Lane. This would be 2,350m² in size, and would include a Locally Equipped Area for Play (LEAP) which would be within 400m walking distance of all the homes it serves, and would be positioned to provide a buffer zone between it and the habitable room façade of adjacent dwellings. Further details of the LEAP would be required by condition.
- 10.26 Affordable housing
- 10.27 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 54% social or affordable rent / 46% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing should be appropriately designed and located around the proposed development.
- 10.28 13 of the proposed 67 units would be affordable. In terms of unit numbers, this represents a 20% provision, which meets the requirements of Local Plan policy LP11, and is welcomed.
- 10.29 This proposed unit size mix would assist in meeting known need as set out in the 2016 Strategic Housing Market Assessment.
- 10.30 The applicant has not confirmed the tenure the affordable housing units. The council's preferred tenure mix is 54% social or affordable rent / 46% intermediate. The tenure mix would be secured via Section 106 agreement.
- 10.31 The proposed locations of the affordable housing units are considered acceptable, as they would be distributed around the application site.
- 10.32 Highway and transportation issues
- 10.33 The proposed dwellings consist of the following:
- 13x two-bedroomed dwellings.
 - 25x three-bedroomed dwellings.
 - 24x four-bedroomed dwellings.
 - 5x five-bedroomed dwellings.
- 10.34 Submission details show the dwellings are intended to be served by a single access off Granny Lane which will be 5.5m in width at the junction with a 2.0m footway on either side. The estate road then remains 5.5m wide apart from a small section measuring 6.0m. The 2.0m footways continue throughout the site barring the section of shared surface to the frontages of plots 21-36 and 51-66 where a 0.6m hard margin is provided. At the newly-formed junction, visibility splays of 2.4m x 50m and 2.4m x 46m have been demonstrated.
- 10.35 Initially Officers raised concerns regarding visibility at the junction of the site with Granny lane, off-street car parking, forward visibility on part of the estate road and anomalies in the supporting Transport Assessment.

10.36 This resulted in the submission of a Technical Note (TN) which addressed the issues raised in the original consultation response. The TN provides further justification for the achievable visibility splays at the junction with Granny Lane, the proposed visitor parking arrangements and demonstrates that the levels of resident parking are suitable for the site.

10.37 Furthermore the TN satisfactorily amended anomalies in the original Transport assessment with regard to existing buses and trains in the vicinity of the site and provides evidence that forward visibility at points of concern on the estate road can be adequately achieved.

10.38 Officers therefore consider that subject to the conditions and planning obligations set out in Section 8 of this report this proposal would accord with Kirklees Local Plan Policies LP21 and LP22 with regard to its potential impact on the Local Highway network.

10.39 Flood risk and drainage issues

10.40 The site is within Flood Zone 1, 2 and 3 and northern parts of the application site are at a relatively high risk of surface water flooding. Consequently it is important to ensure that this development includes measures to ensure the development of this site does not exacerbate the existing flood risk.

10.41 As parts of the site fall within Flood zones 2 and 3 a site specific Flood Risk Assessment (FRA) was required to support the proposal. However, a sequential analysis is not considered necessary as the site is allocated for housing in the Local Plan and has already been considered to be a sequentially preferable site.

10.42 The applicant has provided an FRA in support of this proposal which considers the existing flood risk and estimates the likely impact associated with this proposal. The conclusions of the FRA can be summarised as:

- The site is in Flood Zone 1, 2 & 3. Dwellings are proposed in Flood Zones 1 & 2 with a minimum FFL of 45.87m AOD, this is 0.6m above the 100-year + 30% CC flood level, and this will ensure the properties remain safe during the critical flood level. The only part of the site in Flood Zone 3 is identified as being POS.
- The proposed site entrance is located in Flood Zone 2.
- All other sources have been reviewed and deemed a low or manageable risk. The surface water drainage hierarchy has been reviewed and a discharge to infiltration is unsuitable.
- It is proposed to discharge surface water to the public combined sewer at a rate of 5.0 l/s as agreed with Yorkshire Water.

- 10.43 However, it should be noted that Appendix D of the supporting FRA does indicate that at the point the access road adjoins Granny Lane it does in fact intersect with Flood Zone 3. Whilst this may lead to a situation where emergency vehicles trying to gain access to the site are obstructed during a severe flood event, it is considered that emergency access could be achieved via the public open space to the west of the access road which lies within flood zone 2 and less likely to flood. Details of such arrangements could be secured via planning condition/planning obligation.
- 10.44 Initially the applicant proposed to drain surface water from the developed site to an existing water course via an underground pumping station. However, the use of a pumping station was considered to be problematic by the LLFA as, in the event of the pump failing, it could exacerbate a flooding event. Following negotiations with Yorkshire Water, the applicant now proposes to drain surface water from the site directly to the existing public sewer located within Granny Lane via a gravity fed connection. This would be subject to limiting the discharge rate to 5l/s and will therefore require a satisfactory method of attenuation. Foul water would be drained via a separate system to the public sewer. Following confirmation from Yorkshire Water, The Environment Agency and The Local Lead Flood Authority, Officers consider that this would provide a suitable drainage regime for the site and detailed site drainage measures can be adequately dealt with via the planning conditions and obligations outlined in Section 8 of this report.
- 10.45 Consequently Officers consider that this proposal accords with Local Plan policies LP27, LP28 and Section 14 of the NPPF with regard to its potential impact on Local Flood Risk and drainage.
- 10.46 Trees, landscaping and ecological considerations
- 10.47 The application site is previously undeveloped (Greenfield) land and comprises two pastures used for grazing. Other than grass, the pastures are largely devoid of vegetation. However, they are bounded by established hedgerows to the east which include some self-seeded trees. A mature tree is located at the northern edge of the site. No trees within or near to the site are protected by Tree Preservation Orders. Biodiversity Opportunity Zones (Flood Plains and Pennine foothills) covers much of the site, however as the site is grassed and used for grazing, its biodiversity interest is likely to be limited.
- 10.48 The applicant has provided an Arboricultural Impact Assessment which indicates that two trees and two tree groups will need to be removed to accommodate the development. The proposals would see the retention of the existing mature ash at the northern edge of the site and the existing hedge along the site's eastern boundary and some vegetation along the southern boundary of the site.
- 10.49 The applicant has submitted an Ecological Impact Assessment (EclA) in support of the proposed development. This concludes that the application site is of low ecological value as it primarily comprises grassland and hard standing with limited species and biodiversity could be enhanced via landscape planting as part of the development.
- 10.50 Officers consider that, whilst the submitted EclA generally addresses the potential impact of the development on local ecology, it is considered that the loss of existing hedgerow needs further consideration. The applicant has therefore revised landscaping details to indicate additional hedge planting to the south of the development and adjacent to the public open space.

10.51 Consequently, Officers consider that, subject to additional hedge planting being carried out in order to offset the loss of established hedges on site and the implementation of mitigation measures detailed in the EclA, this proposal accords with Kirklees Local Plan policies LP33 and LP30 with regard to its potential impact on the local biodiversity.

10.52 Ground conditions

10.53 Regarding potential site contamination, the findings of the applicant's contaminated land report are in the main accepted. However, recommendations made in the report indicate that further intrusive site investigations should be carried out in order that the site can be fully characterised. Officers consider that conditions regarding site contamination investigation and remediation can be included on a subsequent grant of planning permission and this would be a satisfactory way of dealing with this issue.

10.54 Much of the site falls within the high risk area with regard to coal mining legacy issues. The applicant has provided a supporting geo-environmental assessment based on intrusive site investigations. This assessment concludes that the site is not considered to be at risk of subsidence from shallow mine workings and therefore no mitigation measures (e.g. consolidation by drilling & grouting) will be required. This document has been reviewed by the Coal Authority and its findings accepted.

10.55 The application site falls within an area designed as a Mineral Safeguarded Area (sand and gravel/surface coal resource) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying this site. The applicant has indicated that it would not be feasible to work these minerals due to the proximity of the existing dwellings, which abut the site to the east, west and south.

10.56 Officers consider that, whilst it is likely that sand and gravel would be present at this site, local constraints would be such that mineral extraction in this location would not be viable. It would not be possible to allow adequate stand-off areas to provide an amenity buffer between the existing residential properties surrounding this site and allow a sufficient area to work the mineral resources. Consequently officers agree with the applicant's conclusions that it would not be feasible to extract mineral from this site.

10.57 It is therefore considered that this proposal accords with Kirklees Local Plan policies LP38 and LP53 with regard to potential contaminated and unstable land and minerals safeguarding issues.

10.58 Heritage Issues

10.59 Whilst there are no known heritage assets within the application site itself, it is immediately adjacent to Sheep Ings Farm which is a Grade II listed building. The farm comprises a farm house and attached barn part of which date from the 17th century. It is therefore important that any development in the vicinity respects the character and setting of the building. The importance of this heritage asset was identified as a site specific consideration when this site was included in the Local Plan as a Housing allocation.

10.60 The applicant has submitted a supporting Heritage Assessment which considers the historical context of the farm and the likely impacts associated with this proposal. The assessment concludes that

- The heritage significance of the grade II listed Sheep Ings Farmhouse and Attached Barn will be preserved.
- The heritage significance of the row of late nineteenth century cottages to the northwest of the site will also be preserved.
- The narrow field, although lacking any particular heritage significance, will be referenced slightly by the layout of the proposed development.
- The proposed development of the site complies with national planning policy (as outlined in the NPPF) and is in accord with the 1990 Planning (Listed Buildings and Conservation Areas) Act section 66(1).

10.61 Officers have reviewed this document and, bearing in mind a buffer will be created between the farm and the new dwellings, agree with the conclusions outlined above.

10.62 West Yorkshire Archaeology Advisory Service has indicated that due to previous finds in the vicinity, the site may contain unrecorded archaeological remains and has advised that an intrusive survey should be carried out to investigate this prior to this application being determined. However, officers consider that this matter can be satisfactorily dealt with via a planning condition which requires the completion of such a survey prior to any development commencing on site.

10.63 Subject to the inclusion of a condition requiring the completion of an archaeological survey, it is considered that this proposal accords with Kirklees Local plan policy LP35 and Section 16 of the NPPF with regard to its impact on the historic environment.

Other Matters

10.64 Chapter 12 of the Local Plan relates to climate change and states that: “Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore encouraging the use of more sustainable methods of transport such as the inclusion of electric vehicle charging points contributes positively to the aims of climate change.

10.65 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant. Subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).

10.66 Representations

10.67 A total of 69 individual representations were received in connection with this proposal. A summary of the issues raised and associated responses are provided as follows:

Flood Risk and Drainage

The site regularly floods and acts as a flood plain which acts to store flood water and allow it to slowly discharge to existing water courses. Developing this site will therefore increase flood risk in the area. **Response:** Whilst it is acknowledged that the northern part of this site has a history of flooding, it is considered that the proposed surface water drainage regime at the site will be capable of dealing with surface water generated during flood conditions and will not result in local flood risk being increased.

The river regularly floods and any occupants of these proposed development would be put at risk. **Response:** The majority of the residential properties will be located in Flood Zone 1 with the remainder falling within Flood Zone 2. Consequently the risk of these properties flooding is reduced. The Environment Agency has requested that the floor level of all residential properties be sited above 45.87 A.O.D to mitigate any impact associated with flooding in the area.

Concern that comments from Yorkshire Water are based on surface water being drained to an existing water course and this has now changed. **Response:** Following amendments to surface water drainage proposals, Yorkshire Water have been re-consulted. YW confirm that subject to the planning conditions outlined in Section 8 of this report the proposed arrangements are acceptable.

Concern that the sewer which would be used to drain surface water may not have adequate capacity. **Response:** Yorkshire Water have indicated that subject to flow rates being reduced to 5l/s the existing sewer is adequate to drain the site.

The site entrance is located within Flood zone 3 but the supporting Flood risk Assessment indicates it is located within Flood Zone 2. **Response:** This matter has been addressed in the Flood Risk and drainage section of this report.

Concern that the proposed surface water drainage channel on the southern boundary of the site will lead to flooding of existing properties to the south as the site is not suitable for a SuDS system. **Response:** The proposed surface water drainage channel is designed to direct any flood water which accumulates adjacent to this part of the site to be directed towards the site. The water can then be drained via the site's surface water drainage regime.

Concern that the surface water drainage channel should not be maintained by a private management company as maintenance may not be carried out. **Response:** The use of private management companies to maintain areas such as public open space and surface water drainage regimes is not unusual. It is proposed to secure this method of maintenance via a Section 106 agreement.

Highways and Transport

The proposal would lead to extra traffic which would detrimentally affect highway safety as Granny Lane and Steanard Lane are not adequate to deal with existing levels of traffic. Objectors have commissioned a traffic assessment to support this view a copy of which was passed to the Council's Highway Development Management Team for their consideration. **Response:** This matter has been considered in the "Highways and transportation issues" section of this report

Existing footways on Granny Lane and Steanard Lane are inadequate and additional traffic will increase the risk of pedestrians being injured. **Response:** Whilst it is acknowledged that existing arrangements are limited, it is considered that they are sufficient to accommodate the additional traffic associated with this development.

Existing transport infrastructure in this area would not be able to cope with the additional people associated with this development. **Response:** This matter has been considered in the "Highways and transportation issues" section of this report

Wildlife/Environmental

The proposal would have detrimental effect on local wildlife. **Response:** This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report

The proposal would result in the loss of existing hedges which provide significant wildlife habitat. **Response:** This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report"

This development would result in the loss of Green belt. **Response:** The site does not fall within the Green belt.

The loss of trees associated with this development is unacceptable. **Response:** This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report.

Trees and bushes have already been removed from the site without consent. **Response:** There are no Tree Preservation Orders affecting this site. Consequently the past removal of trees and shrubs would not have required consent from the Council.

Heritage

The development would have a detrimental impact on Sheep Ings farm which is a grade II listed building. **Response:** This matter has been considered in the “Heritage Issues” section of this report.

The field where development would take place is an archaeological site. **Response:** This matter has been considered in the “Heritage Issues” section of this report.

Local Amenity

Allowing a further 67 dwellings in the area will lead to additional noise and air pollution. **Response:** These matters have been considered in the Residential amenity and quality section of this report.

The development of the site would result in a loss of privacy for existing residents. **Response:** It is considered that the temporary compound and parking arrangement arrangements are unlikely to lead to significant problems with regard to the privacy of existing residents. However, the use of temporary screen fencing could mitigate any impact.

There is no capacity at existing schools and doctor's surgeries to deal with this number of additional residents bearing in mind the number of other developments taking place in the area. **Response:** There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan policy LP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan via Community Infrastructure Levy (CIL). With regard to schools, it is considered that primary provision is adequate and a financial contribution is required towards secondary provision.

The proposed location of the temporary compounds on site are unacceptable as they would lead to a loss of privacy for existing residents. **Response:** It is considered that the temporary compound and parking arrangement arrangements are unlikely to lead to significant problems with regard to the privacy of existing residents. However, the use of temporary screen fencing could mitigate any impact.

Miscellaneous

Developing this land will effect existing house prices in the area. **Response:** The effect that new development has on existing property values is not a material planning consideration and cannot therefore affect the assessment of this proposal/

There are plenty of brownfield sites which should be developed before this site and this approach is encouraged by government. **Response:** Whilst Government Policy is to seek to develop Brownfield sites ahead of Greenfield Sites, it is recognised that Greenfield sites will also be required to deliver the country's housing needs.

Coal mining has historically taken place in this area and houses built on this site may therefore be susceptible to subsidence. **Response:** This matter has been considered in the "Ground conditions" section of this report.

The development of this site is over development designed to maximise the profits of the developer. **Response:** This site is an allocated housing site in the Local Plan which has an estimated capacity of 70 dwellings. This proposal seeks permission for 67 dwellings which is considered to be appropriate bearing in mind the area of land that must be left undeveloped to address flood risk concerns.

Previous planning applications to build on this site have been refused. **Response:** A previous planning refusal does not set a precedent. Each planning application must be considered on its own merits and in this case it is considered that the proposal is acceptable for the reasons outlined in this report.

The proposed houses are not in keeping with those existing in the area. **Response:** This matter has been considered in the "Urban design" section of this report.

The proposal does not include any significant measures to mitigate impacts on climate change. **Response:** This matter has been considered in the "Other Matters" section of this report.

Banners and posters placed at the site by objectors have been removed without their consent. **Response:** This issue is not a material planning consideration and would be a matter for the interested parties to resolve.

10.68 Planning obligations

10.69 Should planning permission be granted Officers recommend it should be subject to a Section 106 agreement which would cover the following issues:

- Affordable housing – As noted above, to accord with Local Plan policy LP11, the applicant proposes 13 affordable housing units. Arrangements shall cover the number, type, layout, disposition, timescale and mechanism for provision, and shall confirm the units are to be provided in perpetuity.
- Open space – Off-site contribution of £58,808.00 to address shortfalls in specific open space typologies. Arrangements shall cover the layout, disposition, timescale and mechanism for provision, and shall confirm the open space is to be publicly-accessible in perpetuity.
- Education – Officers have confirmed that a £157,992 contribution towards secondary school provision is necessary to serve the needs of the proposed development.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees involving a financial contribution of £53,533.50.
- Drainage – Arrangements to secure long-term maintenance and management of the applicant's surface water drainage proposals including a £3,000 financial contribution to contribute towards the future upgrade of a piped water course at the southern edge of the site.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS66, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, the site's coal mining legacy, and other matters relevant to planning. These constraints have been addressed by the applicant, and the proposed development includes good quality housing (at an appropriate density, and including sufficient affordable housing) and adequate open space. Approval of full planning permission is recommended, subject to planning conditions and obligations via a Section 106 agreement.
- 11.3 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development
2. Approved plans and documents
3. Materials
4. Construction Management Plan
5. Tree protection measures
6. Temporary surface water drainage measures
7. Detailed Flood risk and drainage measures
8. Highways:
 - surface & drainage/ water attenuation measures of highways
 - details of the adoptable estate roads
 - construction management plan
 - details of all new retaining walls adjacent to the public highways
9. Site contamination: further intrusive investigations & any remediation
10. Noise assessment
11. Dust suppression measures
12. Provision of electric vehicle charging points
13. Crime prevention measures
14. External materials
15. Boundary treatments
16. Landscaping details
17. Ecological Design Strategy
18. Archaeological survey
19. Details of play area equipment
20. Details of emergency flood access

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91467>

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