
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Jun-2020

Subject: Planning Application 2019/93423 Erection of 15 dwellings and 6 apartments with associated works land east of, Long Lane, Earlsheaton, Dewsbury

APPLICANT

Stercap Ltd

DATE VALID

17-Oct-2019

TARGET DATE

16-Jan-2020

EXTENSION EXPIRY DATE

03-Jun-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 wards affected: Dewsbury East

Ward Councillors consulted: Cllr Aleks Lukic, Cllr Cathy Scott, Cllr Eric Firth

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application (Full) 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:

1. Public open space provisions including off site commuted sum of £15,267.00 and a £500 site inspection fee for the future maintenance and management responsibilities of open space within the site.
2. Off-site highway works for footpath improvements to Long Lane (£4,000)
3. Contribution towards a Sustainable Travel Fund (£10,510.50)
4. 20% of total number of dwellings to be affordable with a tenure split of (50% affordable rent and 50% intermediate housing)
5. Off-site financial contribution of £20,000 towards securing a biodiversity net gain.
6. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

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 the erection of 15 dwellings and 6 apartments with associated works.
- 1.2 The application is made by Stercap Ltd and was due to be presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size.
- 1.3 However, in response to Coronavirus (Covid 19) outbreak, the Chief Executive has invoked Emergency Powers under the Constitution at Article 12 (1) (d) and nominates and empowers a Virtual Planning Committee, to determine planning applications that would otherwise have been decided at a meeting of the relevant committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.65 hectares in size, has previously been in agricultural use, and is located to the east of Long Lane, Earlsheaton. To the south of the site is modern farm complex known as Mitchell Laithes Farm. To the north west is Clough Farm who owns the application site and Clough House, which both originate in the late 19th century. To the north east are mid-late 20th century semi-detached properties associated with Woodburn Avenue. The site's eastern boundary is defined by Chickenley Beck, which runs north to south as well as a woodland area. To the west of Long Lane are agricultural fields.
- 2.2 The application site generally slopes downhill towards Chickenley Beck, from its north western corner at 55 metres (m) Above Ordnance Datum (AOD) to its south eastern corner at 45m AOD. Surrounding properties to the north west occupy higher ground at approximately 55m AOD, whilst Mitchell Laithes Farm occupies lower ground at approximately 45m AOD.
- 2.3 The site is previously undeveloped (greenfield) land, was previously agricultural use, and is now overgrown grassland with mature trees found towards the east. The site's southern boundary consists of mature trees and hedgerows. The site's boundary with Long Lane consists of a drystone wall and wooden gate, with hedgerows and trees set behind. The site's southern boundary with Mitchell Farm consists of mature hedgerows and trees. There is also a steel farm gate at the site's south eastern corner. The site's north western boundary with Clough Farm consists of picket fences and mature vegetation. The site's north eastern boundary consists of typical residential boundary fencing. There are no tree preservation orders on the site.
- 2.4 Wooden poles with power cables dissect the site from east to west and north to south. A Yorkshire Water combined sewer runs across Mitchell Lane Farm and along the sites eastern edge with Chickenley Beck.
- 2.5 Historic Ordnance survey maps from 1907 to 1980 show that immediately to the east of site and Chickenley Beck was Mitchell Laithes Hospital, which was first used as a hospital for infectious diseases and then as a psychiatric institute.
- 2.6 In terms of site constraints, there are no public rights of way that cross the site and the site does not affect any conservation area or listed building or their settings. The application falls within a Bat Alert area and there are a number of recorded bat roosts within the residential area to the north of the site. The eastern part of the site falls within flood zones 2 and 3, associated with Chickenley Beck. The site's south eastern corner falls within a Coal Mining Development High Risk Area and the site is recognised as being potentially contaminated.

3.0 PROPOSAL:

- 3.1 The planning application proposes the development of 15 three-bed dwelling houses and 6 two-bed apartments, including two 'affordable' dwelling houses and two 'affordable' apartments. The dwellings would be served by a single, shared surface access road from Long Lane via a new priority T-junction with new footway provision along the site frontage. The road will form a spinal route through the site providing access to private drives.

- 3.2 Four dwelling house types are proposed and are either arranged into semi-detached or terrace format with gable pitched roofs. All of the dwelling houses are two storeys in height and have been designed to accord with Table 1 of the Technical housing standards – nationally described space standard, thus each would be three-bed for five persons and measure 93m². The supporting information states how the dwelling houses would be constructed from artificial stone and render with artificial stone and slate roof tiles. The dwelling houses are characterised by porches, eave details and window surrounds. In addition, some of the dwellings would also have bay features. All of the dwelling houses would each have two car parking spaces as well as garden spaces with allocated areas for bin stores. Cycle storage will be provided within garages or standalone, secure storage within the curtilage of each plot.
- 3.3 It is proposed that a single apartment building would occupy the centre of the application site. The building would be 2 ½ storeys in height with dormer features integrated into the eaves of the building. The building would be characterised by a central gable glazed feature providing access to the dwelling units. Window surround features would also characterise the building. All of the apartments been designed to accord with Table 1 of the Technical housing standards – nationally described space standard, thus each would be two-bed for four persons and measure 70.5m². There is a designated bin store and two off street car parking areas, which would mean each apartment had 1.5 parking spaces.
- 3.4 A detailed landscaping scheme is submitted providing details of hard and soft landscaping and planting across the site. This includes retention of the existing planting along the boundaries, additional tree planting and hedgerows along the boundaries and stone walls as well as fences to provide privacy and define property boundaries.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 The application site itself has no recent, relevant planning history.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Written pre-application advice was provided on 13/9/2020 (ref: 2019/20291) in relation to a 21-unit residential scheme with a similar layout to that previously proposed under the current application. The main points made in that written advice were:
- The principle of housing development at this site is acceptable.
 - Provision of 20% affordable homes with a split of 46% Intermediate housing and 54% Social or Affordable Rent housing.
 - There should be a clear road hierarchy.
 - Preference for the apartment building to be sited adjacent to Long Lane.
 - Concern about the dominance of the parked car.
 - More soft landscaping features should be incorporated into the design.
 - Separation distances should be in excess of 21 metres between habitable room windows and in excess of 12m between habitable room and non habitable room windows
 - All dwelling houses must accord with the space standards set out in the National Technical Housing Standards.

- Consideration must be given to the proposed boundary treatments in prominent locations, particularly with Long Lane and any Public Open Space.
- Clear, unobtrusive access with appropriate gradients for pedestrians and mobility impaired, running directly from the front door of properties to the footway and the wider area.
- The proposed house types are very basic in design and give the impression of a suburban residential character, with little regard to the surrounding local built vernacular.
- The proposed apartment block could be designed as a landmark building that aids the site's legibility. However, its current design appears out of character with the locality and the rest of the proposal site.
- Unclear from the plans as to whether or not there will be the provision of secure, private amenity space for the residents of the apartment block, of which should be provided.
- To enhance legibility, more consideration needs to be given as to the residential character of the proposal site, particularly in terms of the key views into and out of the site.
- There is some concern that the introduction of 3 storey houses and a 3 storey apartment block would be out of character with its rural location and the surrounding predominate 2 storey residential neighbours.
- More consideration needs to be given as to how the layout can appropriately accommodate the storage and facilitate in the collection of bins.
- Details of design measures to prevent crime and opportunities for anti-social behaviour.
- Any application should be accompanied with a site plan illustrating that a visibility splay of 2.4m by 43m can be achieved at the proposed access point with Long Lane.
- A site plan should be provided demonstrating that a swept path analysis of a 11.85m long refuse vehicle can be achieved.
- A qualitative assessment of the local highway network, particularly the pedestrian routes needs be carried out and a series of mitigation measures should be proposed to encourage people to walk, cycle and use public transport.
- Further consultation with the Environment Agency to ensure that the proposed dwellings were definitely outside the flood zones 2 and 3.
- Consideration of flood routing, particularly in relation to Long Lane, which may not have any road gullies.
- Maintenance and management of the existing hedgerows found along the edge of the site, and of which will likely be of ecological significance
- Concern about potential odour and noise impacts the neighbouring farm may have on a future development.
- The scheme should incorporate Electric Vehicle Charging Points.
- Due consideration should be given to the site's potential land contamination and land stability.
- How the wooded area will be restricted from development and what working practises will be employed to ensure the trees are not inadvertently damaged during the construction phase.
- Financial contribution towards Public Open Space will be required.
- The proposed.
- The proposed Public Open Space should be designed to enhance biodiversity and the setting of the residential proposal.
- Any application would require a Health Impact Assessment.

- The site falls within a Coal Referral area
- A combined sewer may cross the site and therefore Yorkshire Water should be consulted.
- The necessary local public consultation should be carried out.

5.2 At pre-application stage Cllr Aleks Lukic provided the following comments:
“The main comment I would have about this would be the increased traffic volumes on Long Lane. This location has poor access to public transport with the nearest bus stop half a mile away so we can expect high car utilisation on such a development. If the developers could help with traffic calming measures on Long Lane (especially at Walker St junction which has very poor visibility) and Headland Lane this would be appreciated.”

5.3 The Planning Statement incorporating a Statement of Community Involvement, explains how letters were sent on 28th August 2019 to residents within close proximity of the proposed development site, detailing the development proposals. Seven responses were received raising concerns in relation to highway impact, utilities and how these will be provided and proximity to waste water treatment works. The statement also explains how a meeting has taken place with a representative of a local residents’ group to discuss concerns.

5.4 During the course of the planning application, the applicant has submitted amended versions of the Flood Risk Assessment and Drainage Strategy, Biodiversity Metric Calculation and a Highways Technical Note. A number of revised site layout plans, section drawings and elevational drawings have been submitted to address officers concern in relation to parking dominance, residential amenity, appearance and highway safety.

5.5 The applicant has more recently provided updated documentation that now reflects the latest layout plan. The changes made to the documentation did not necessitate re-consultation and ensure that they all now correspond with one another.

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).

Kirklees Local Plan (2019):

6.2 The site forms part of site allocation HS45 (formerly H307). HS45 relates to 0.66 hectares (gross), however its net site area is identified in the site allocation as 0.45 hectares, taking into account the BAP Priority Habitats and flood zone 3 area. The site allocation sets out an indicative housing capacity of 15 dwellings, and identifies the following constraints:

- The provision of a pedestrian footway is required across the site frontage
- Part of the site is within flood zone 3
- A combined sewer crosses this site
- Culverted watercourse in vicinity

- Potentially contaminated land
- Part of this site lies within a UK BAP priority habitat
- Part/all of site is within a coal referral area

6.3 The site allocation also identifies the following other site specific considerations

- Prevention and mitigation to reflect Water Framework Directive requirements.
- The environmental benefits of opening up the culvert should be considered.

6.4 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- 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

Supplementary Planning Guidance / Documents:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)

- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019)
- Interim Affordable Housing Policy (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

National Planning Policy and Guidance:

6.6 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.

6.7 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 materials.

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

6.9 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016).

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The planning application has been advertised as a major development and was advertised via four site notices posted 08/11/2019, letters were sent to addresses adjacent to the planning application site and the site was advertised in the Local Press on 19/12/2019. This is in line with the council's adopted Statement of Community Involvement.

7.2 27no. representations were received during the first round of public consultation. After amendments to the proposal and the receipt of additional documentation, another round of public consultation was carried out, which ended on 13/03/2020. A further 7no. representations were received. All representations have been posted online. The following is a summary of the points raised:

- This proposal goes against the council's policy of promoting sustainable development and is contrary to the objectives of the Local Plan.
- Cumulative impact on Earlsheaton and Dewsbury with other committed development
- Unacceptable loss of a valuable green space/agricultural field/greenfield site/countryside and impact on rural/countryside views, enjoyment, health and wellbeing of local people and neighbouring residents.
- Unacceptable impact on wildlife habitat of national and local importance and would particularly be adversely affected by construction and light pollution.
- Building new houses should only be done on brownfield sites.
- Traffic rates are not accurate and are taken in the wrong location.
- The proposal is contrary to national and local transport policy, particularly in terms of being able to ensure safe modes of sustainable travel.
- There is a path located on the proposed site which is currently used for recreation, walking and dog walking - According to section 31 of the highways act 1930 "if a route is enjoyed by the public for 20years or more, as of right and without interruption, the path is to be deemed to have been dedicated as a highway."
- Unsafe driving conditions along Long Lane during the winter months due to parking from surrounding streets, which will be exacerbated.
- Adverse impact on highway safety as Headlanes Lane/Long Lane is dangerous and in disrepair; already suffers from traffic congestion, on-street parking and is a narrow rural lane with blind bends, little road marking and warning signs, thus is inadequate for the proposed additional traffic.
- Adverse impact on traffic, air and noise pollution as well as unacceptable impact on carbon emissions, climate change as well as on human health.
- Emergency service vehicles as well as large vehicles, such as refuse vehicles already struggle to travel down Long Lane, which this development will worsen.
- There is no traffic calming along Long Lane and some motorists do not drive in accordance with the current laws.
- Safety of pedestrians/ children not safe walking to and from school so using cars to ferry them, more traffic congestion.
- Drystone walling is already collapsing due to the current traffic volume and is a danger to pedestrians.
- Difficult crossing Town Street, which this development will worsen.
- Adverse impact on the local road network with an increase in 'rat running.'
- Inadequate footpath provision (poor condition, narrow and non-existent in places) and unsafe crossing points between the site along Long Lane from/to Middle Road – Not appropriate for persons with disabilities and persons with pushchairs, contrary to Manual for Streets Design Guidance and contravenes Part III of the Disability Discrimination Act 1995 (DDA).
- Inadequate footpath provision will result in more car traffic.
- Only a 5 metre stretch of pavement is being provided outside of the development site on Long Lane.

- Together with other residential developments there would be a cumulative impact on the local highway network.
- Could the council highways department look at introducing traffic/parking management system from Headland Lane/ Walker St / Long Lane to new development site.
- Yorkshire Water had to build a bridge and new access road into the Water Treatment Works to address local highway safety and congestion concerns. This development will only undo previous improvements and potentially exacerbate problems of the past.
- Not near to any shops and over 1km to the nearest bus stop and not many people will use them because its too far and the pavements are dangerous.
- At night, pedestrians can be very vulnerable due to dark areas directly opening on to woods, scrub land and fields.
- The council plan shows allocation for 15 dwellings the development shows 21 dwellings.
- The proposal (mainly the block of apartments and house type E) is out of character with the locality, which is mostly bungalows and semi-detached houses, in terms of density, height, scale, appearance, building design, built/roof form and layout.
- This development will interfere with the residents that live here where we know it is a safe residential environment.
- Lack of nearby amenities and recreational facilities.
- Adverse impact on already oversubscribed local nurseries, schools, dentists, doctors, health centres and other local amenities.
- There is antisocial behaviour taking place in the form of dirt bikes that will put more people using Long Lane at risk.
- Adverse impact on existing residential amenity - Invasion of privacy; natural sunlight and overshadowing of gardens, loss of views and quietness - making habitable rooms inhabitable.
- The proposal is on the flood plain and will have an adverse impact on existing and future residents in terms of flood risk.
- The proposal will effect the current drainage arrangements of an existing property that uses a septic tank that has an outflow onto the site.
- The proposal will disturb contaminated soil which could have an adverse impact on the health of wildlife and humans.
- Construction traffic will have an adverse impact on Long Lane.
- Previous development (87/62/04777/a2) on field next to the proposed development was rejected by Wakefield Council on the grounds of impinging and damaging this strategic gapping between the councils.
- Plans show that the proposed development would not accord with the Local Plan in delivering 20% affordable housing.
- Loss of value for my home: there could be a financial loss to myself if proposed development goes ahead.

7.3 Officers sought the views of Ward Councillors during the determination of the planning application.
Cllr Aleks Lukic:

“Declaration of interest: You will probably be aware of Jonathan Scott / Britology Ltd's involvement in this development. I should declare Mr Scott sponsored my election campaign this year. This has been registered.

Thank you for contacting me about this application. I am aware this site is allocated for housing in the Local Plan and that there are some potential viability concerns with addressing contamination and other issues.

I am also conscious that the development would lead to a significant increase in vehicular traffic passing the nearby junction with Walker Street, which is difficult for residents to emerge from due to poor visibility of approaching traffic. Ideally I would like to see this addressed in some way e.g. with a contribution for a roadside mirror and/or speed cushion/humps around the junction with Walker Street.

The development would not be served by a gritting route and the primary mode of transport would be the car owing to the distance from public transport. I would suggest grit facilities should be provided on site for residents to be able to treat the highway from the proposed development up to the gritting route terminus at Woodburn Avenue.

I would also appreciate if the opinion of Highways could be sought on whether any footway improvements should be implemented on Long Lane.

I hope these issues could be addressed by the applicant while maintaining viability of the proposed development.”

Cllr Eric Firth:

“I support totally the concerns of local residents and their objections, regarding loss of amenity, and overdevelopment, I am also of the opinion that Long Lane is far too narrow to accept more traffic and to put a footway there would narrow this further. I'm sure highways also have concerns., I would also add to remove the dry stone walls that local residents have painstakingly rebuilt after being destroyed by the Yorkshire water contractors would be nothing short of a crime P S I also would like this cleared up the application had been hanging about too long and if we don't take a decision the applicant will pursue the non determination route.

As I've said previously I totally support local residents in the objections so I would therefore ask for a site visit. If at all possible”

Cllr Cathy Scott:

“I fully support local residents in objecting as this would have a detrimental impact on the local residents on their lives this would be overdevelopment and loss of amenities. Long Lane is very narrow with limited foot paths, this is already very busy and with a lot of blind spots. Allowing the development already add to the to the pressures of this very narrow road, which would be a highway safety concerns.”

- 7.4 Further minor amendments to the design and to the supporting documentation have been made since the last consultation exercise but did not necessitate re-consultation.
- 7.5 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

Statutory:

The Coal Authority: No objection. The site only marginally falls within the defined Development High Risk Area (south-eastern corner) and is an area identified as the 'flood zone' and no development is being proposed within this part of the site.

Environment Agency: No objection, subject to a condition securing the necessary mitigation measures outlined in the Flood Risk Assessment. A permit will be required for works that are within 8 metres of the Chickenley Beck (main river) such as for example, proposed fencing or any structure to discharge surface water to the main river.

KC Highways: No objection, subject to the necessary planning conditions and planning obligations.

KC Lead Local Flood Authority: Kirklees Flood Management and Drainage have no objection and make the following comments:

- The Flood Risk Assessment does not appear to have assessed the impact of Climate Change from Main River. However, the Environment Agency have removed their objection and are the responsible authority for this source of flood risk.
- The applicant has proposed a 3.17l/s maximum discharge rate which is equivalent to greenfield conditions;
- Surface Water Drainage –
 - o Discharge rate – 3.17l/s discharge rate is the lowest adopted not 5l/s;
 - o Simulation Criteria – the applicant has provided high level information on design criteria which will need to be finalised at detailed design and managed by the necessary planning conditions

8.2 Non-statutory:

Northern Gas Networks: No objection.

KC Biodiversity: No objection subject to conditions securing the ecological mitigation measures and the necessary financial contribution to secure a biodiversity net gain.

KC Conservation and Design: No objection.

KC Education: As this development is for a total of only 21 dwellings, it is below the threshold of 25 dwellings to secure financial contributions towards Education.

KC Environmental Health: No objection, subject to conditions seeking Submission of Remediation Strategy; Implementation of the Remediation Strategy; Submission of Validation Report; Securing Electric Vehicle Charging Points. Officers are aware of the farming operation at Mitchell Laites Farm but given the type of livestock at the farm it is considered that noise and odour assessments are not necessary.

K.C. Emergency Planning: No objection, subject to due consideration given to the necessary flood resilience measures and access issues for any properties built next to Chickenley Beck.

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 £15,267.00 is required in lieu of this shortfall. An inspection fee of £500 is also required. In addition, conditions are required regarding management and maintenance of the proposed landscape scheme.

KC Waste Strategy (Refuse & Cleansing): No objections subject to the following conditions securing:

- details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved.
- details of the management and maintenance of communal refuse storage areas by a designated private management company.
- details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.

KC Planning Policy: In relation to policy LP63 (New Open Space) of the Local Plan, new residential proposals are required to provide open space to meet the needs of the development based on an assessment of the quantity, quality and accessibility of the existing open space within an area taking into account any deficiencies. The proposal indicates the flood zone on the site, which is proposed to be undeveloped, but it is unclear whether this will be used to provide open space for residential and/or public use.

KC Public Health: No objection.

KC Strategic Housing: No objection, subject to an affordable housing tenure split of 2no. social or affordable rented dwellings and 2no. intermediate dwellings.

KC Trees: No objection, subject to a condition securing the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Method Statement.

West Yorkshire Police Crime Prevention Design Advisor: No objection in principle but has provided detailed advice on the design of: shared rear access footpaths, boundary treatments, access gates to rear gardens, public spaces to be well overlooked and illuminated, maintenance and management of trees and vegetation, external lighting and additional security measures (internal partition wall construction, door sets, windows, motorcycle and cycle storage, car parking, bin stores)

Yorkshire Water: No objection, subject to conditions securing separate systems of drainage for foul and surface water on and off site and securing a satisfactory outfall for surface water discharge, other than the existing local public sewerage.

West Yorkshire Archaeology Advisory Service: No objection. The West Yorkshire Historic Environment Record has been checked and there are currently no significant known heritage issues apparent in the proposed development or its vicinity. Therefore the WYAAS do not consider any archaeological works are necessary.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Urban design
- Residential amenity and quality
- Affordable housing and housing mix
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Climate change
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use, sustainability and principle of development

- 10.1 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.
- 10.2 The Local Plan 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. Therefore, 21 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.3 The application site is allocated for housing in the Local Plan (site allocation ref: HS45, formerly H307). In line with policy LP65 of the Local Plan, full weight can be given to this housing site allocation.
- 10.4 The site is not designated as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, and was previously in agricultural use and designated as part of the West Yorkshire Green Belt in the superseded Unitary Development Plan. 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, employment and other uses. 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.
- 10.5 The Inspector within the Report on the Examination of the Kirklees Publication Draft Local Plan (File Ref: PINS/Z4718/429/9) dated 30/01/2019 provided the following site allocation commentary in paragraph 209:

“H307, east of Long Lane, Earlsheaton – The site is well contained and lies between built development which limits its relationship with the open countryside. The site is small and clear defensible boundaries would be provided by the field boundaries. Therefore the integrity of the gap between Dewsbury and Wakefield would be retained and sprawl would be prevented. On this basis, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.”

- 10.6 As such, the principle of residential development at this site is therefore considered acceptable. However, the identified site constraints and the development's impacts would need to be appropriately mitigated, along with the need for a high quality development. These matters are considered later in this report.

Urban design

- 10.7 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide. Details of the current proposals are provided in section 3.0 of this report.
- 10.8 The proposal would effectively take place on a field between the houses associated with Woodburn Avenue to the north, which is set on higher ground and Mitchell Laithes Farm to the south, which is set on lower ground.
- 10.9 The main access into the site would be with Long Lane on its western edge and is considered acceptable in principle by officers to serve a residential development of this scale. In addition, the proposed footpath improvements along the site's Long Lane frontage would be in accordance with the site allocation site constraint, aiding pedestrian connectivity. The proposed layout has been dictated by the shape of the site and the lie of the land, with the lowest part of the site to the east being proposed as Public Open Space, which would include known flood risk, drainage and ecological site constraints.
- 10.10 The proposed layout shows buildings positioned around an access road with Long Lane. It is considered that the new layout would positively work with the existing topography that generally slopes from west to east. However, some levelling may be necessary to enable the creation of development platforms and to the provision of acceptable gradients along the estate road. While developers would normally be expected to work with a site's existing topography, it is accepted that some reshaping of this site may be necessary to accommodate development. A planning condition would therefore, be necessary to secure the necessary details and appropriately designed retaining walls and structures.
- 10.11 The proposed carriageway has been designed to incorporate shared street principles and the proposed drawings, show how dwelling units would be designed to positively relate to the street scene. Amendments have been made to the design proposal that included the repositioning of some driveways and incorporating more landscape measures to reduce the visual dominance of the parked car. Also, each dwelling house has a separate pedestrian access from/to the front door with the street. As such, it is considered that the proposed layout has been appropriately designed to create a 'sense of place.'

- 10.12 In terms of scale and density, the site allocation policy recognised site as having a gross area of around 0.66ha and a developable area of around 0.45ha as a result of the identified flood risk and ecological constraints. The site allocation policy suggested an indicative capacity of 15 dwellings. It is important to understand that this indicative number is not a minimum or a maximum figure and just an indication of the number of houses that could be achieved on site. Local Plan Policy LP7 requires a housing density that ensures the efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. The importance of making effective use of land is also recognised in Chapter 11 of the NPPF and the PPG, which was updated on 22/07/2019, regarding this matter.
- 10.13 This proposal would provide 21 dwellings and a density of 46.7 dwelling per hectare. The proposal is predominately defined by 2 storey semi detached buildings (6no. proposed) which is the prevalent built form in the immediate locality. The applicant has used other built forms including a 2 storey terrace block of 3no. dwelling units and a 2 ½ storeys apartment block of 6no. dwelling units to aid in the effective use of land. Although, the apartment block is larger in built form and in height when compared with the other dwelling houses, it is set back from Long Lane and on lower ground to the existing development to the north. Furthermore, it is considered that it is set within a fairly spacious development plot and it's position would aid in the development's legibility and visual interest. Therefore, officers consider that the proposed design demonstrates an appropriate density and would not represent overdevelopment as some representations suggest.
- 10.14 Existing dwellings found in the immediate area are either brick built with concrete tile roofs, either detached bungalows or 1 ½ / 2 storey semi-detached dwelling houses, developed in the mid-late 20th century or 2 storey, stone built, slate roof detached dwelling houses built in the 19th century. The proposal includes a distinctive design, mimicking some architectural features found on the 19th century dwelling houses found along Long Lane. The proposed building materials will comprise of artificial stone and some rendered areas to external walls, artificial stone and slate roof tiles, and white pvc-u windows with art stone head and cills and other architectural features. These materials are considered acceptable subject to approval of samples, which can be secured by planning condition.
- 10.15 Some representations have queried the proposed appearance and style of the buildings. However, this is a subjective opinion. A mixture of building styles and materials can be found within the wider area, including, brick, stone, artificial stone and render, as well as a mixture of flat profile and pantile roof tiles. Therefore, the varied character and appearance of the local vernacular reinforces the acceptability of the design of the proposed development, which would be considered in keeping.
- 10.16 In light of the above assessment, it is considered that the scale, siting, design and density of the development proposed would be in harmony with its surroundings and respect the character of the townscape. It represents an efficient use of a greenfield site as required by Local Plan policy LP7. Subject to a condition requiring samples of facing and roofing materials being

submitted for approval, the development would thereby accord with the aims of Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24.

Residential amenity and quality

- 10.17 Although there are no formal standards for space about buildings or separation distances between dwelling houses, paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.18 The proposed site plan shows that there would be a separation distance in excess of 21 metres from the rear of the proposed dwelling houses to the rear of the first floors of the dwelling houses at Woodburn Avenue. However, 34 and 36 Woodburn Avenue have a ground floor extension/projection and a conservatory, respectively. As such, the separation distance between the ground floor of the existing dwelling houses at 34 and 36 Woodburn Avenue with the proposed dwelling houses at plots 7, 8 and 9 is 18 metres. Residents who live at these properties have raised concerns regarding privacy, overshadowing, overlooking and views associated with the proposed houses and boundary landscaping. Officers would have preferred if a greater separation distance of 21 metres was proposed to fully address these concerns. However, it is considered that the level of proposed impact on residential amenity is not great enough to warrant a refusal. Residents have also raised concerns about the potential for plots 7, 8, 9 and 10 to build extensions further hindering privacy and sunlight in the future. Officers share such concerns and consider that a planning condition should be imposed that removes permitted development rights for these plots to ensure that no large, overly dominant extensions, outbuildings or dormers would be constructed, which could have an adverse impact on neighbouring residential amenity.
- 10.19 The proposed site plan also shows that the rear of the proposed dwelling houses at plots 5 and 6 have a minimum separation distance of 11.6 metres with the side elevation (which contains windows) of the existing dwelling house known as Clough Farm. It should be noted that the landowner lives at Clough Farm. The proposed dwelling house at plot 6 would have one bedroom window at first floor and patio doors to the kitchen-dining area at groundfloor within the rear elevation facing Clough Farm. The proposed dwelling house at plot 5 would have two bedroom windows at the first floor and patio door and window to the living room area at groundfloor, within its rear elevation. Officers would have preferred a greater separation distance. However, officers acknowledge that plots 5 and 6 are sited at an oblique angle to Clough Farm reducing any direct overlooking. Additionally, given that Clough Farm is a 1 ½ storey building, set on higher ground to the proposal site, the erection of a suitable boundary treatment would reduce any adverse impact on residential amenity in this location. However, officers consider that a planning condition should be imposed that removes permitted development rights for plots 5 and 6. This measure would ensure that no large, overly dominant extensions, outbuildings or dormers would be constructed, which could have an adverse harmful impact on the uniformity and character of the development or create significant amenity issues to adjacent occupiers.

- 10.20 Concerns have been raised regarding that the proposal would have an adverse impact on the residential amenity of Clough House, to the north west of the application site particularly as it is a single aspect dwelling house. It is understood that suggestions were put forward by residents to the developer during a public consultation exercise to reposition the road and plots 1-4 to achieve greater separation distances. However, officers are of the opinion that as the current proposal would achieve a separation distance of at least 30 metres between Clough House and the nearest proposed dwelling that there would be no adverse impact on residential amenity in this location.
- 10.21 There is a separation distance of around 23 metres between the proposed apartment block and the bungalow found at Mitchell Farm to the south west of the site with intervening boundary landscape features. As such, officers consider that there would be no adverse impact on residential amenity in this location.
- 10.22 Officers consider that all of the proposed dwelling houses, set behind driveways and/or front gardens have a good separation from one another. Amended plans have also secured a design where it is considered that the proposed orientation and location of the apartment block would not have any adverse impact on the neighbouring proposed residential dwelling units.
- 10.23 Local Plan Policy LP24 (Design) does not specify a minimum size requirement (in sqm) or design for private outdoor amenity space for dwellings. An unusual garden shape is proposed for the dwelling house at plot 1 but officers recognise the need to facilitate the proposed parking requirements in this location. Nevertheless, it is considered that the rest of the dwelling houses would have reasonably size and shape gardens and the apartment block has sufficient private amenity space.
- 10.24 The quality of the proposed residential accommodation is also a material planning consideration and a number of representations have raised this as an issue with the application. Although the Government's Nationally Described Space Standards (NDSS) (March 2015, amended May 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. During the application, officers requested that all of the proposed dwellings accord with the NDSS. As a result the applicant provided amended plans to comply with these standards.
- 10.25 Representations have raised concerns about dust, noise and disturbance associated with construction traffic. This matter would be addressed by a condition requiring the submission and approval of a Construction Management Plan and is therefore recommended. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.

Affordable housing and housing mix

- 10.26 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. 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.

- 10.27 In this instance, 20% of the proposed 21 dwelling units would represent 4.2 affordable dwelling units. The Council's Interim Affordable Housing Policy states that the 20% affordable housing contribution will normally be rounded to the nearest whole number. The applicant has confirmed that 4no. out of the proposed 21 dwelling units would be affordable and would consist of 2no. 3-bed houses (plots 3 and 4) and 2no. 2-bed apartments. Therefore, the proposed number, mix and distribution is considered to accord with Local Plan policy LP11 and the Interim Affordable Housing Policy.
- 10.28 The tenure mix would be secured by a Section 106 agreement but officers would preferably be seeking 2no. dwellings to be social or affordable rent and 2no. dwellings to be intermediate housing.
- 10.29 The proposal would provide a mixture of dwelling typologies and the provision of 2-bed and 3-bed dwelling units would assist in meeting known need as set out in the 2016 Strategic Housing Market Assessment, in accordance with Local Plan policy LP11.

Highway and transportation issues

- 10.30 A gated field access can be found at the site with Long Lane and another gated field access can be found with Mitchell Laithes Farm to the south east corner. The proposal would result in these access points being removed and made good.
- 10.31 Long Lane is a single two way 20mph carriageway with street lighting. There are no footways along this section of Long Lane. The nearest footway is 30m to the north. Pedestrian provisions between the site and the Headland Lane/Town Street junction in the centre of Earlsheaton is considered poor with narrow footway and roads and in some places no footway provisions. To the south of the site, Long Lane provides access to three other dwellings and the waste water treatment works. Traffic volumes should therefore be light. Approximately 900m to the north Long Lane forms a priority T junction with Town Street. Footways are present along both sides of all arms of the junction and informal pedestrian crossing with dropped kerbs and tactile paving are present across the minor arm.
- 10.32 The application site is situated within a 2 km walking catchment of Earlsheaton local facilities including a primary school, health services, post office and convenience stores. Bus stops are located on Town Street providing a combined frequency of one bus every 10 minutes on weekdays and Saturday and one bus every 20 minutes on Sundays. The site is therefore considered to be in a reasonably sustainable location for access by non-car modes. In line with paragraph 5.19 of the Highway Design Guide Supplementary Planning Document, a condition will be required to secure a Travel Plan. Additionally, as part of a Section 106 agreement, officers would seek a financial contribution towards encouraging potential residents to use modes of sustainable travel, in line with the measures set out in the Travel Plan.
- 10.33 It is proposed that the residential development will be accessed via a new access junction to the west of the site via Long Lane, in the form of a simple priority T junction. Plans show that the proposed junction would achieve a 2.4m x 43m visibility splays to the north and south, in line with the Housing

Design Guide SPD and Manual for Street Design Guidance. The proposed access road connects Long Lane with the Public Open Space to the east and has a varied alignment to create visual interest and slow the speed of traffic. The access road also includes a central turning area for refuse vehicles.

- 10.34 Each of the proposed 15no. 3-bed dwelling houses would have 2no. car parking spaces, whilst the proposed apartment building, which contains 6no. 2-bed dwellings would have 7no. parking spaces, accommodated in a parking courtyard to the front of the building. There are also, 6no. visitor parking spaces proposed. The Local Plan nor the Highways Design Guide Supplementary Planning Document do not specify any parking standards but officers consider that proposed parking standards are acceptable. Planning conditions are considered necessary to agree the final details of the proposed carriageway design.
- 10.35 Using the industry standard TRICS trip rates, the supporting Highways Statement has stated that the development proposals are forecast to generate the following vehicular trips during the highway network peak hours:
- AM Peak (8:00 – 9:00am) – 5 Arrivals and 11 Departures – 16 Two-Way Trips
 - PM Peak (17:00 – 18:00pm) – 8 Arrivals and 5 Departures – 13 Two-Way Trips
- 10.36 The Highways Statement considered that the proposed trip generation of the proposed scheme would be negligible and would have no noticeable impact on the local highway network. Representations queried these findings and have raised concerns regarding the proposed traffic impacts and highway safety. However, Highways Development Management officers have raised no such concerns.
- 10.37 The site plan illustrates designated areas for each dwelling house and apartments for the storage of bins. However, officers consider that planning conditions would be necessary to seek further details regarding waste storage and waste collection at the site.
- 10.38 One of the recognised site constraints within the site allocation box was the provision of a pedestrian footway across the site frontage. Appendix D of the Highways Technical Note, reference AMA/20466/SK001 shows how this could be achieved. However, it is noted that the proposed works would potentially conflict with the stepped access with Clough House. As such, a planning condition would be required to secure further details to ensure the appropriate off-site works to the existing footway provision.
- 10.39 At the pre application stage, Highways Development Management officers raised the need for a qualitative assessment of the pedestrian provisions between the application site and Headland Lane/Town Street junction. This assessment would then provide the basis for appropriate recommendations to improve the local footway network. The assessment was provided during the planning application and acknowledges that the local footway network does not cater for pedestrians with disabilities. The assessment goes onto conclude that any major footway improvement works would require a significant undertaking and require consideration of acquisition of third party land. Given the quantum of the proposed development, officers acknowledge that such works may not be possible, especially given the proposed scale of development. It has however been agreed that the developer will fund some

footway improvement works with the provision of dropped pedestrian crossing at the Woodburn Avenue junctions with Long Lane and edge of carriageway white lining between the northern end of the proposed footway along Long Lane and the existing footway 30m to the north of the site. These measures can be secured by planning condition and Section 106 Agreement.

- 10.40 Officers consider that subject to the necessary planning conditions and planning obligations this proposal would accord with Kirklees Local Plan policies LP21 and LP22 and NPPF Chapter 9, with regard to its potential impact on the local highway network and on highway safety.

Flood risk and drainage issues

- 10.41 The eastern edge of the site is defined by Chickenley Beck and contains land that falls within flood zones 2 and 3 on the Environment Agency's Flood Risk Map, updated earlier this year. The eastern edge of the site is at the highest risk of flooding (Flood Zone 3) and there is an area of land surrounding this that is at a lower risk of flooding (Flood Zone 2). The remainder and majority of the site is in Flood Zone 1.
- 10.42 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 and exceptions test are not considered necessary as the proposed dwellings are located in Flood Zone 1 and the site is allocated for housing in the Local Plan. Thus, the site has already been considered to be sequentially preferable for residential development.
- 10.43 The site plan within the FRA shows that the proposed dwelling houses are located within flood zone 1 and that flood zones 2 and 3 are within a Public Open Space. The LLFA have highlighted that the Environment Agency are the responsible authority for considering main river flood risk. However, they have raised concerns that the FRA has not provided evidence that they have considered Climate Change within their assessment of flood risk from this watercourse. However, the FRA has been considered by the Environment Agency who have raised no objections regarding main river flood risk, subject to a condition securing the necessary mitigation measures. The Council's Emergency Planning Team have requested the necessary flood resilience measures and access issues for any properties built next to Chickenley Beck be considered. These can be secured by either planning condition or suggested as a footnote, if considered necessary.
- 10.44 It is proposed to discharge surface water to an attenuation system which would then connect into Chickenley Beck at a greenfield run-off rate of 3.17 litres/second. The scheme has been amended to ensure that such systems could be eventually adopted, which is considered acceptable by the Lead Local Flood Risk Authority. Infiltration has been considered but may not be appropriate for this site due to it being potentially contaminated and/or made land. Conditions relating to securing the discharge rate and the detailed drainage design would be required with any permission. In addition, the future maintenance and management of the proposed drainage system are required to be secured under a s106 Agreement.

- 10.45 Plans show an existing 675mm diameter Combined Sewer running on the eastern bank of Chickenley Beck. The FRA explains how a connection would be sought with this Combined Sewer for foul water discharge. Yorkshire Water have not raised any objections to the planning application subject to the necessary conditions.
- 10.46 The proposed drainage strategy utilises the new access road and Public Open Space. Therefore, conditions will be required in relation to highway adoption and to ensure that no trees are located over the proposed drainage infrastructure.
- 10.47 Officers consider that this proposal accords with Local Plan policies LP27, LP28 and Chapter 14 of the NPPF with regard to its potential impact on local flood risk and drainage.

Trees, landscaping and ecological considerations

- 10.48 The application site is undeveloped (Greenfield) land and comprises one agricultural field. The field is primarily characterised by improved grassland and tall ruderal, with scattered scrub. Species rich hedgerows can be found along the sites southern boundary and young trees beyond with Mitchell Laithes Farm and scattered trees can be found along the site's northern boundary with houses of Woodburn Avenue. Introduced scrub can be found along the site's western boundary with Long Lane, whilst broadleaved woodland and dense scrub can be found along the site's eastern boundary with Chickenley Beck.
- 10.49 No trees within or near to the site are protected by Tree Preservation Orders. The trees found to the north and east as well as a hedgerows to the south are proposed to be retained and incorporated into the proposed development. An Arboricultural Impact Assessment and Method Statement accompanies the application and provides details as to the necessary measures for their retention. A planning condition would be required to ensure that that the recommendations within this document are secured, in line with Local Plan policies LP24 and LP33.
- 10.50 The applicant has submitted an Preliminary Ecological Appraisal in support of the proposed development. The Appraisal concludes that with the current layout, the southern boundary hedgerow cannot be protected from potential negative impacts from homeowners, which may result in impacts to nature conservation, which are of local importance. The Appraisal goes onto conclude that subject to securing necessary mitigation proposals and enhancement measures recommendations that the scheme should not result in significant ecological harm. A number of conditions will be required to minimise ecological harm and secure these ecological measures.
- 10.51 At the request of the Council's Biodiversity officer, the applicant has used the Natural England The Biodiversity Metric 2.0 (JP029) to calculate the net biodiversity change as a result of the proposal. The proposal showed that there would be a biodiversity net loss. The applicant has agreed to offset this loss with an appropriate financial contribution towards biodiversity improvements elsewhere in the district, which can be secured by a Section 106 agreement. As such, the proposed development would accord with Local Plan policy LP30.

- 10.52 The site falls within a Bat Alert Area and the Flood Plains and Pennine Foothills Biodiversity Opportunity Zones. It is worth noting that the nearby Chickenley Beck, the adjacent Clough Farm and Mitchell Laithes Farm houses are all designated as part of Wildlife Habitat Network Combined. The proposed landscape plan shows the retention of existing landscape features and the inclusion of new landscape features within the proposed garden curtilages. Furthermore, the proposal includes a Public Open Space with Long Lane and another Public Open Space adjacent to Chickenley Beck. The landscape plan proposes the use of a mixture of ornamental and native species. As such, these proposals would be in line with Local Plan policies LP24, LP30, LP32 and LP33. However, planning conditions securing further details as well as a Landscape Maintenance and Management Plan for the landscape proposals are considered necessary.
- 10.53 The landscape plan includes details regarding boundary treatments. However, officers require further details, including elevational drawings of fences and walls to ensure that such boundary treatments are suitable for each location. Furthermore, it is considered that further consideration needs to be given to visually prominent locations and residential amenity, as well as the existing southern hedgerow. These details can be secured at the discharge of condition stage.
- 10.54 Japanese knotweed and Himalayan balsam have been recorded on site. A protocol to ensure eradication within the site and prevent the spread outside of the site can be secured through condition.
- 10.55 The proposed open spaces would go some way towards meeting the relevant requirements of a residential development of 21 dwelling units in the Dewsbury East ward, which is deficient in a number of the open space typologies. The size of the proposed development triggers the need for a Local Area of Play (LAP). However, with no LAP indicated on the applicant's drawings, to accord with Local Plan policy LP63 an off site contribution of £15,267 would be required to be secured by way of Section 106 Agreement. There may be an opportunity for the applicant to reduce this requirement if a LAP was provided on-site as a series of well-designed features and playable elements or equipment within a natural playable space. If no such on-site provision is made, the required off-site contribution could be spent at Earlsheaton Park, which is within the recommended 20 minute walking distance from the site.

Public and environmental health

- 10.56 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, 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 by planning condition.
- 10.57 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. A Health Impact Assessment (HIA) supports the application and has regard to matters such as, site construction, affordable housing provision, sustainability, access to open space, community safety, contribution to local employment and the economy, community cohesion and climate change. Public Health

officers support the HIA and consider the proposed development would not have negative impacts on human health.

10.58 At the pre application stage and during the planning application, Environmental Health officers requested that the applicant provide clarification regarding the use of Mitchell Laithes Farm. The agent subsequently informed officers that the adjacent agricultural buildings were used for the storage of machinery. When carrying out a site visit on the 8th November 2019, a tractor was seen parked in the large recently erected agricultural building to the south east corner of the site. Environmental Health received an email correspondence on 2nd March 2020 from the residents of the house at Mitchell Laithes Farm. The email clarified that Mitchell Laithes Farm was still an active agricultural land holding and that a building had been recently erected for purposes of housing livestock; more specifically sheep in lamb. The email also explained how the existing building is described correctly on the Planning Statement; as storage for machinery. The recently erected building does not have planning permission and has been reported to Planning Enforcement and Compliance for the appropriate action to be taken. As such, officers are of the opinion that there it would be unreasonable to impose conditions regarding noise and odour assessments and subsequent mitigation measures associated with any related farming activity. Furthermore, given the type of livestock it is considered that that there would be no adverse effect on future resident's residential amenity.

10.59 Regarding the social infrastructure currently provided and available in Earlsheaton (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

Ground conditions

10.60 Regarding potential site contamination, the findings of the applicant's Combined Phase 1 & 2 contaminated land report are accepted. The report indicates the presence of made ground apart from in the western quarter of the site. The depth of made ground increases towards the eastern boundary. The analysis results show that the topsoil is unsuitable for reuse at the proposed development. It also identifies significantly elevated levels of contaminants in the ash & clinker made ground which was also found to be combustible. The report advises that remediation of the site will be necessary to make it suitable for the proposed end use. It also advises that basic Radon protection measures are also required. The report also considers the risks from ground gas and concludes that these are low. It also advises that leachability needs to be considered in connection with the design of the drainage strategy for the development. Officers consider that conditions regarding site remediation can be included on a subsequent grant of planning permission and this would be a satisfactory way of dealing with this issue.

- 10.61 The site only marginally falls within the defined Development High Risk Area (south-eastern corner), this is within flood zones 2 and 3 and no development is being proposed within this area. Therefore, the Coal Authority concludes that the site is not considered to be at risk from shallow mine workings and an intrusive mining investigation is not considered necessary. Accordingly, the Coal Authority has no objection to this planning application.
- 10.62 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.
- 10.63 The application site falls within an area designed as a Mineral Safeguarded Area (Surface Coal Resource with Sandstone and/or Clay and Shale) 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 north and south. It would also 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. Officers agree with these findings and also consider that as the site is a housing allocation, the proposal would be a permitted development under Local Plan policy LP38 part 1 clause (c) as there is an overriding need for this type of development.
- 10.64 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.

Climate change:

- 10.65 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.66 The applicant’s Planning Statement only refers to climate change when quoting relevant planning policies. A supporting letter, dated 15th January 2020 provides a number of methods as to how the proposed dwellings will be designed and constructed using the ‘fabric first’ approach to minimise the need for energy consumption, in line with Local Plan policy LP26.

10.67 Officers note, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, the provision of footway improvements along Long Lane, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would also need to account for climate change and the Water Framework Directive would also be secured by condition or via a Section 106 agreement, in line with Local Plan policies LP27, LP28 and LP29. Although, the Environment Agency have raised no objections, unfortunately at the time of writing this report, the applicant had not provided evidence that they have considered Climate Change within their assessment of flood risk from Chickenley Beck.

Representations

10.68 A summary of the issues raised and associated responses are provided as follows:

- This proposal goes against the council's policy of promoting sustainable development and is contrary to the objectives of the Local Plan.

Response: The application site is an allocated housing site in the Local Plan. The sustainability of the site and the necessary infrastructure requirements has been robustly assessed as part of the Local Plan process.

- Lack of nearby amenities and recreational facilities.
- Adverse impact on already oversubscribed local nurseries, schools, dentists, doctors, health centres and other local amenities.

Response: These matters were considered during the site allocation process, which formed part of the Local Plan adoption. Additionally, the development is below the threshold of 25 dwelling units for the Council to seek planning obligations towards education. Funding for health care 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. As part of any approval, a section 106 agreement would secure the necessary financial contributions towards public open space improvements in the locality.

- Cumulative impact on Earlsheaton and Dewsbury with other committed development

Response: The cumulative impact of this site and the other allocated sites were thoroughly considered with the concerned consultees during the site allocation process, which formed part of the Local Plan adoption.

- Unacceptable loss of a valuable green space/agricultural field/greenfield site/countryside and impact on rural/countryside views, enjoyment, health and wellbeing of local people and neighbouring residents.

- Building new houses should only be done on brownfield sites.

Response: The Local Plan seeks to meet the district's housing and employment needs. There is not sufficient deliverable and/or developable brownfield supply to meet needs throughout the plan period. The Local Plan process has identified this particular greenfield site, with no protection

or designation, as being necessary and suitable for housing development, which in turn will help contribute towards the district's housing needs. The Local Plan does not give preference as to which site should or should not be brought forward for development and each application site has to be judged on its own individual merits. Furthermore, the loss of a view is not a material planning consideration.

- Unacceptable impact on wildlife habitat of national and local importance and would particularly be adversely affected by construction and light pollution.

Response: The Biodiversity Officer has assessed the planning application against Policy LP30 of the Local Plan and subject to the suggested planning conditions and requested planning obligations has raised no objections.

- Traffic rates are not accurate and are taken in the wrong location.
- The proposal is contrary to national and local transport policy, particularly in terms of being able to ensure safe modes of sustainable travel.
- Unsafe driving conditions along Long Lane during the winter months due to parking from surrounding streets, which will be exacerbated.
- Adverse impact on highway safety as Headlanes Lane/Long Lane is dangerous and in disrepair; already suffers from traffic congestion, on-street parking and is a narrow rural lane with blind bends, little road marking and warning signs, thus is inadequate for the proposed additional traffic.
- Emergency service vehicles as well as large vehicles, such as refuse vehicles already struggle to travel down Long Lane, which this development will worsen.
- There is no traffic calming along Long Lane and some motorists do not drive in accordance with the current laws.
- Safety of pedestrians/ children not safe walking to and from school so using cars to ferry them, more traffic congestion.
- Drystone walling is already collapsing due to the current traffic volume and is a danger to pedestrians.
- Difficult crossing Town Street, which this development will worsen.
- Adverse impact on the local road network with an increase in 'rat running.'
- Inadequate footpath provision (poor condition, narrow and non-existent in places) and unsafe crossing points between the site along Long Lane from/to Middle Road – Not appropriate for persons with disabilities and persons with pushchairs, contrary to Manual for Streets Design Guidance Not appropriate for persons with disabilities and persons with pushchairs, contrary to Manual for Streets Design Guidance and contravenes Part III of the Disability Discrimination Act 1995 (DDA).
- Inadequate footpath provision will result in more car traffic.
- Only a 5 metre stretch of pavement is being provided outside of the development site on Long Lane.
- Together with other residential developments there would be a cumulative impact on the local highway network.
- Could the council highways department look at introducing traffic/parking management system from Headland Lane/ Walker St / Long Lane to new development site.
- Not near to any shops and over 1km to the nearest bus stop and not many people will use them because its too far and the pavements are dangerous.

- At night, pedestrians can be very vulnerable due to dark areas directly opening on to woods, scrub land and fields.
Response: Highways Development Management has assessed the planning application against Policies LP20, LP21 and LP22 of the Local Plan, the Highways Design Guide Supplementary Planning Document as well as against the relevant national legislation, policy and guidance. Subject to the suggested planning conditions and requested planning obligations Highways Development Management has raised no objections. Furthermore, the Highways Authority, if considered necessary, could seek additional works to be carried out to the local road network under separate legislation.
- Yorkshire Water had to build a bridge and new access road into the Water Treatment Works to address local highway safety and congestion concerns. This development will only undo previous improvements and potentially exacerbate problems of the past.
Response: This planning application relates to a residential proposal and not a commercial operation (i.e. traffic associated with the Yorkshire Water Treatment Works) with different highway and traffic related considerations and requirements. As such, this planning application has been assessed accordingly by Highways Development Management, who have raised no objections, subject to the necessary planning conditions and planning obligations.
- Construction traffic will have an adverse impact on Long Lane.
Response: This matter would potentially be a short term impact that could be controlled by planning condition, requiring the submission and approval of a Construction Management Plan. This will ensure the disruption is minimised for residents and suitable traffic controls for development construction, if required, can be put in place.
- Adverse impact on traffic, air and noise pollution as well as unacceptable impact on carbon emissions, climate change as well as on human health.
Response: Highways Development Management, Environmental Health and Public Health Officers have assessed the planning application against the policies in the Local Plan and have raised no objections in relation to the above matters. Planning conditions and planning obligations have also been proposed to encourage and facilitate modes of sustainable travel as well as provide spaces for charging plug-in and other ultra-low emission vehicles.
- There is a path located on the proposed site which is currently used for recreation, walking and dog walking - According to section 31 of the highways act 1930 "if a route is enjoyed by the public for 20years or more, as of right and without interruption, the path is to be deemed to have been dedicated as a highway."
Response: Limited substantive evidence has been presented to demonstrate this case. The applicant's agent has confirmed that there are no recreational rights across the land and on visiting the site, there is no public access point with Long Lane or any other public highway.
- The council plan shows allocation for 15 dwellings the development shows 21 dwellings.
Response: This is an indicative number and not a minimum or maximum figure. The applicant has demonstrated that 21 dwellings can be delivered

on site, given the site constraints, in accordance with Policy LP7 of the Local Plan.

- The proposal (mainly the block of apartments and house type E) is out of character with the locality, which is mostly bungalows and semi-detached houses, in terms of density, height, scale, appearance, building design, built/roof form and layout.

Response: Design is a subjective matter and officers consider that the proposed character and appearance of the development would accord with Policy LP24 of the Local Plan.

- This development will interfere with the residents that live here where we know it is a safe residential environment.
- There is antisocial behaviour taking place in the form of dirt bikes that will put more people using Long Lane at risk.

Response: With any proposal there will likely be a change to the local built environment and the community. However, officers consider that the proposal would not have an unacceptable impact on the local residential environment. Furthermore, no evidence has been presented regarding how this development would compromise the safety of residents or result in an increase risk in antisocial behaviour.

- Adverse impact on existing residential amenity - Invasion of privacy; natural sunlight and overshadowing of gardens, loss of views and quietness - making habitable rooms inhabitable.

Response: For the reasons stated in the report, officers do not consider that the proposed development would have an unacceptable impact on existing and future residential amenity.

- The proposal is on the flood plain and will have an adverse impact on existing and future residents in terms of flood risk.

Response: The proposed development would take place outside flood zones 2 and 3. Subject to the necessary planning conditions, there are no objections from the Environment Agency, the Lead Local Flood Authority and Yorkshire Water regarding flood risk.

- The proposal will effect the current drainage arrangements of an existing property that uses a septic tank that has an outflow onto the site.

Response: This is a civil matter rather than a planning matter. However, the applicant's agent has stated that provided payment is made for the ongoing maintenance of the tank, there is no intention to remove the septic tank or interfere with its function. It is understood that the proposal will divert and extend the outfall pipes so that they do not run under any of the proposed development plots.

- The proposal will disturb contaminated soil which could have an adverse impact on the health of wildlife and humans.

Response: Environmental Health have assessed the planning application against Policy LP53 of the Local Plan and agree with the conclusions set out in the accompanying Combined Phase 1 and 2 Land Contamination Report. As such, have raised no objections regarding this matter subject to the necessary planning conditions requiring the necessary remediation measures to be carried out.

- Previous development (87/62/04777/a2) on field next to the proposed development was rejected by Wakefield Council on the grounds of impinging and damaging this strategic gapping between the councils.
Response: Each planning application has to be determined on their own merits. Furthermore, Wakefield Council determine planning applications in line with their own Local Plan policy considerations.
- Plans show that the proposed development would not accord with the Local Plan in delivering 20% affordable housing.
Response: A Section 106 Agreement would ensure that 20% of the proposed development would be affordable housing.
- Loss of value for my home: there could be a financial loss to myself if proposed development goes ahead.
Response: This is not a material consideration relevant to this planning application.

Planning obligations

- 10.69 Planning obligations, that would need to be secured by a Section 106 agreement, would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted. In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they are:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 10.70 For clarity and completeness, should this application be approved the following contributions would be secured through a section 106 agreement, which are all considered necessary to mitigate the impacts of the proposed development and considered to be policy compliant:
- Affordable housing – 4no. affordable housing units (2no. affordable rent and 2no. intermediate housing) to be provided in perpetuity.
 - Open space – Off-site financial contribution of £15,267.00 is required in lieu of this shortfall. An inspection fee of £500 is also required.
 - Biodiversity net gain – Off-site financial contribution of £20,000.
 - Footpath improvements to Long Lane - Off-site financial contribution of £4,000
 - Sustainable Travel Fund – Financial contribution of £10,510.50 towards encouraging the use of modes of sustainable travel.
 - Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

Other Matters

- 10.71 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).

- 10.72 The site allocation reference HS45 box makes reference to a culverted watercourse in vicinity of the site and how the environmental benefits of opening up the culvert should be considered. However, it is considered that there is no culverted watercourse within the red line boundary.
- 10.73 A number of residents and Cllr Aleks Lukic have raised concerns that the development would not be served by a gritter during the winter months and have subsequently raised highway safety concerns. As such, it is recommended that if considered necessary by Waste Strategy and Highways Development Management officers that a planning condition requiring the provision of grit facilities on the proposed access road should be provided.
- 10.74 Residents and Cllr Eric Firth have raised concerns that the proposal will result in the removal of sections of dry stone walls found along Long Lane that have been rebuilt by residents, as a result of traffic associated with Yorkshire Water. It is understood that the proposal would not result in the removal of stone wall, other than what is present at the site. However, planning conditions associated with boundary treatment and construction shall ensure that such concerns are appropriately addressed.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS45, 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), highway safety, flood risk and drainage, topography, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured 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. Development to be carried out in accordance with the approved plans and documents
3. Sample materials to be provided
4. Details of finished floor levels
5. Submission of boundary treatments details

6. Detailed Landscape Plan
7. Long-term Landscape Management and Maintenance Plan
8. Submission of a schedule of the means of access to the site for construction traffic and a Construction Management Plan
9. Provision of sightlines of 2.4m x 43m south and 2.4 x 17.5m north at Long Lane that are free from obstructions, exceeding 1m in height.
10. Approved vehicle parking areas shall be surfaced and drained in accordance with 'Guidance on the permeable surfacing of front gardens
11. Submission of a scheme detailing the proposed internal adoptable estate roads
12. Submission of a detailed scheme for the provision of footway adjacent to Clough House
13. Submission of a detailed scheme for the provision of footway vehicular dropped crossings at the Woodburn Avenue junctions with Long Lane and edge of carriageway white line between the northern end of the proposed footway along Long Lane and the existing footway 30m to the north of the site with associated signing and white lining
14. Submission of a Travel Plan
15. Cycle parking provision prior to occupation
16. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
17. Provision of details of retaining walls
18. Details of carriageway design and details, including drainage, street lighting, signing, surface finishes, sight lines and road audits
19. Suitable storage, bin presentation points and access for collection of wastes from the dwellings
20. Provision of suitably located and designed grit bin facilities
21. Management and maintenance of communal refuse storage areas by a designated private management company
22. Temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction
23. Full detailed design for drainage including pipe and manhole schedule including assessment of requirements for an Oil Separator
24. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass
25. Full details of the proposed means of managing surface water during the construction including silt management to prevent blocking up of drainage systems
26. The development shall be carried out in accordance with the mitigation measures of the submitted flood risk assessment
27. Separate systems of drainage for foul and surface water on and off site
28. Submission of flood resilience measures and access issues for any properties built next to Chickenley Beck
29. Submission of Land Contamination Remediation Strategy
30. Implementation of the Land Contamination Remediation Strategy
31. Submission of Land Contamination Validation Report
32. Details of a scheme to eradicate Japanese Knotweed and/or Himalayan Balsam
33. Carried out in accordance with the mitigation measures of the submitted Preliminary Ecological Appraisal
34. Submission of an external lighting scheme
35. Submission of a Construction Environmental Management Plan
36. Submission of an Ecological Design Strategy

37. Carried out in accordance with the mitigation measures of the submitted Arboricultural Impact Assessment and Method Statement
38. Removal of permitted development rights for extensions and outbuildings.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93423>

Certificate of Ownership – Certificate B signed: