Application No: 2016/90956

Type of application: ***60 - OUTLINE APPLICATION***

Proposal: ***Outline application for erection of 3 detached dwellings with associated access***

Location: ***Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY***

Grid Ref: 419907.0 410633.0

Ward: ***Kirkburton Ward***

Applicant: ***Alcuin Homes (Yorkshire) Ltd***

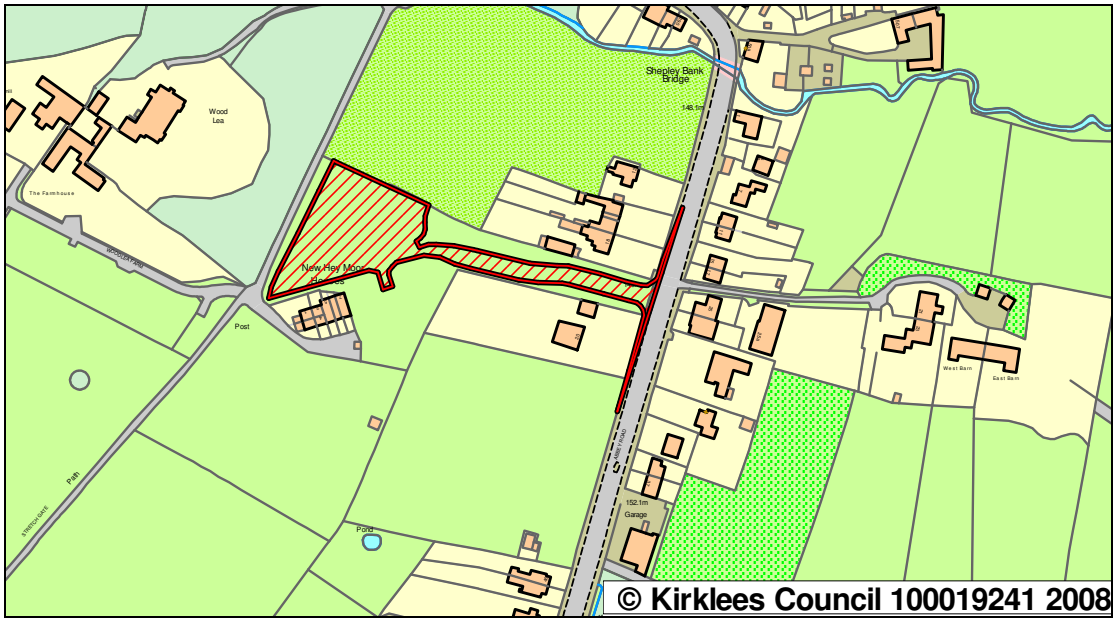
Agent:

Target Date: ***17-May-2016***

Recommendation: ***OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS***

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http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Housing	
Scale of Development	0.4 Ha	3 dwellings
No. Jobs Created or Retained	Na	
Policy		
UDP allocation	Business & Industry	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	None	
Individual Objection (No.)	None	
Petition	Na	
Ward Member Interest	No	
Statutory Consultee Objections	None	
Contributions		
• *Affordable Housing*	Na	
• *Education*	Na	
• *Public Open Space*	£8,132	Off-site contribution
• *Other*	Na	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	There is limited prospect of the site being developed for business and industry, the proposed outline development of three houses is considered to be an appropriate form of development.	

RECOMMENDATION:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. **Secure the signing of a section 106 agreement securing the provision of a sum in lieu of on site Public Open Space.**

2. **Impose all necessary and appropriate conditions, which may include those set out in section 9 of this agenda, and**

3. **Subject to there being no substantial change that would alter this recommendation, issue the decision notice**

2. INFORMATION

The application is brought before Committee as the application represents a departure from the Development Plan as the site is allocated in the UDP Proposals Map for business, general industry and storage (B1, B2 and B8 Use Classes)

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site comprises a roughly triangular piece of land approximately 0.408 hectares in area. The site borders open development land to the north and east; Stretch Gate to the west; and the rear of New Hey Moor Houses to the south together with a site that is being developed for 4 houses and nearing completion. The site is allocated for business and industry on the Unitary Development Plan Proposals Map. The allocation extends to some 2.2 hectares of developable area.

The site is partially cleared in preparation for implementing extant planning approval for four dwellings on the same plot and there is a roughly surfaced vehicular access taken from Abbey Road North which serves the adjacent residential development site to the south east which is currently under construction.

There is a stone wall boundary adjacent to Stretch Gate and one mature tree which is subject to a Tree Preservation Order.

The Proposal

The application seeks outline planning permission for the erection of 3 dwellings with access and layout to be considered at this stage. Matters of scale, appearance and landscaping are reserved for subsequent consideration.

Access proposals include a private drive accessed from Abbey Road North which follows the line of a previously approved estate road and private drive which will be constructed to facilitate the dwellings currently under construction. The proposals also show individual driveways and plot 5 has an integral garage, whilst plots 6 and 7 have detached garages all suitable for 2 cars with two parking spaces.

In addition the proposed access would be shared by 7 dwellings (those subject to this application and 4 dwellings already under construction on adjacent land to the south east).

The layout shows 3 dwellings, plot 6 in the northern corner of the site, plot 7 in the eastern corner and plot 5 in the western corner.

4. BACKGROUND AND HISTORY

There are numerous planning applications associated with this site and the wider area. The most relevant are the following:

2002/91944 – Erection of 12 flats, 38 residential units and 1 office unit. Granted conditional full permission with associated section 106 agreement.

2004/91362 – Erection of two storey office units for letting with associated car parking and hard and soft landscaping. Granted conditional full permission.

2005/94621 – Removal of condition 19 (improvements to Stretchgate) on permission 2002/91944

2008/90380 – Erection of 4 office blocks and associated infrastructure. Granted conditional full permission.

2012/90078 – Formation of new access road. Granted conditional full permission.

2014/90227 – Erection of 4 dwellings with associated access. Granted conditional full permission.

2014/92459 – Discharge of conditions 6 (boundary treatment), 7 (sightlines), 10 (remediation strategy), 13 (drainage) & 16 (landscaping) on previous permission 2014/90227. Conditions satisfied.

2015/91643 – Outline approval for 4 dwellings. Conditional outline permission

2016/9011 - Reserved matters approval pursuant to 2015/91643 for erection of 4 dwellings. Approval of reserved matters

2016/90007 – Discharge of conditions 9-12 & 15-20 on previous planning permission 2015/91643 for outline application for erection of 4 dwellings. Split decision.

5. PLANNING POLICY

Kirklees Unitary Development Plan:

- B1 – Employment needs of the district
- B2 – Land for business and industry
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space around buildings
- G6 – Contaminated or unstable land.
- T10 – Highway safety
- T19 – Parking standards

National Planning Policy Framework:

- Core Strategy
- Chapter 1 – Building a strong, competitive economy
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the assessment section of the report, where appropriate):

These comments were received in relation to the recently approved extant outline planning approval reference: 2015/91643 for 4 dwellings or adjacent site subject to planning approval (reference: 2014/90227) for 4 dwelling, except responses from Highways and Trees who have commented upon the current proposal:

K.C. Highways: No objections to the proposal based on the revised plan number 6868/030 Rev D which includes the provision of a potentially adoptable road into the development from Abbey Road North with segregated footway, subject to conditions and footnotes.

K.C. Environmental Health: No objections subject to conditions relating to contaminated land (phase I and II reports; remediation strategy; and validation report); Sustainable transport (charging plug-in for electric vehicles) and footnotes relating to construction noise, contamination and charging points.

K C Trees: No objections subject to 2 conditions which require the works to be done in accordance with the recommendations of the arboricultural statement and that evidence to show that the arboricultual supervision specified in the method statement was undertaken and approved by the local planning authority prior to the development being used.

K C Ecology: No objections subject to a biodiversity mitigation and enhancement plan based upon the findings of the ecological report, a data search, and a phase 1 habitat map to be produced as reserved matters. The plan should include amongst other things; bat and bird boxes, landscaping, removal of vegetation outside the bird breeding season; and management plan for species rich grassland.

K.C Flood Risk & Drainage: Agreed to amalgamate the drainage of phase 1 (different application) and phase 2 (this application) with a discharge to watercourse of 5l/s. This is slightly different to the submitted report. To tie

things up it is advised to add a general drainage condition DR01 if the drainage details are not amended up front.

Yorkshire Water: No comments required.

K.C Policy: Whilst not consulted with this application, they were for the adjacent site (subject to planning approval ref: 2014/90227). With that application they gave the following comments which are considered to be applicable to the current application;

The application site is a relatively small part of a larger parcel of land allocated for business use in 1999 on the saved UDP. However, given the age of the site and the lack of take up for business it is clear that the prospect for it being developed for its allocated use is limited. It is accepted therefore – given the five year land supply issue and previous permissions for housing at the site (and the wider site) – that alternative uses should be considered. In view of this and that it is a small part of the larger allocation, there would be no objection to the application.

K.C Business & Economy Team /Regeneration Team: Not consulted with this application, however they offered no objections to the adjacent site subject to planning approval (ref: 2014/90227) and as such it is thought that their comments remain applicable to the current site and proposal.

K.C. Public Rights of Way: Suggest that there should be no general access/egress for vehicular traffic to/from the site to the bridleway.

Kirkburton Town Council: No response.

7. REPRESENTATIONS

The application was advertised by neighbour letter, press notice and site notice expiring 29th April 2016.

No representations have been received.

8. ASSESSMENT

General Principle / Policy:

The site lies within a larger area of land allocated for business and industry on the UDP proposals map (allocation B4.2 – Abbey Road, Shelley), Policies B1 and B2 are associated with such land allocations; Policy B1 seeks to meet the employment needs of the district and Policy B2 identifies site specific locations for that land use.

National planning policies and local circumstances are however also material planning considerations. In this instance the National Planning Policy Framework (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no

reasonable prospect of the site being used for that purpose, and where this is the case, applications for alternative uses of land or building should be treated on their own merits having regard to market conditions and the relative need for different land uses to support sustainable local communities.

The application seeks planning permission for residential development, which if approved would be a departure from the Council's UDP.

In relation to the wider site (allocation B4.2), the site has been allocated for business and industry since the UDP was adopted in March 1999. Since then there has been a limited degree of interest for business development on the southern extent of the allocation (planning approvals, reference: 2004/91362 and 2008/90380 – both for office units, neither of which have been developed). However, the majority of the wider site has been subject to residential interest with planning permission granted for residential developments and one office unit (planning approval references: 2002/91944, 2005/94621).

More significantly the adjacent site to the south was granted planning permission for 4 houses reference: 2014/90227 which is under construction and nearing completion, and at the application site there is a recently approved extant outline permission for 4 houses reference: 2015/91643 and an accompanying reserved matters approval reference: 2016/90011.

Given that the office units have not come forward, together with the lack of interest in developing the entire site for business and industry, it appears that the prospect of the whole site being used for that purpose is limited.

In these circumstances paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. Applications for alternative uses of land should be treated on their merits having regard to market conditions and the relative need for different land uses to support sustainable communities. As the Council is unable to demonstrate a 5 year housing land supply the merits of delivering housing should be afforded significant weight in determining this application.

Policy B1 of the UDP states that the employment needs of the district will be met by (amongst other things), maintaining the stock of established business and industrial premises and sites except where they are unsuitable for business or industrial use or where there is no realistic prospect of re-use or redevelopment for such purposes. As described above the planning history and lack of interest for business and industry clearly indicate that the prospect of the site coming forward for its allocated use is limited. Given the 5 year housing land supply issue and previous planning approvals for housing on the site, it is accepted that an alternative use should be considered.

The surrounding area is to a large extent residential in character and therefore further housing would appear to be appropriate and would not conflict with established surrounding uses. In light of the above and due to it being a

relatively small part of the whole allocation site, there are no objections from a policy point of view.

The principle of housing on the site is therefore considered acceptable and in accordance with paragraph 22 of the NPPF and policy B1 of the UDP.

It should be noted that as the wider B2.4 allocation extends over 2 hectares of land if any further residential development schemes for this site come forward where the total number of dwellings including the 3 proposed currently in this application and the 4 already under construction exceed 10 dwelling, then it is likely the affordable housing policies of the Councils will come into play. This is to avoid piecemeal development.

In respect of planning policies related specifically to housing in the UDP consideration is given to whether they can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites.

In addition policies BE1 and BE1 of the UDP seek to achieve good design which is reflected in one of the core principles of the NPPF stating that planning should ''always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building'. It is also a main objective of section 7 of the NPPF, with paragraph 56 stating that 'the Government attaches great importance to the design of the built environment'.

These and other material considerations are assessed below.

Sustainability:

The NPPF states that the purpose of the planning system is ''to contribute to the achievement of sustainable development' which it goes on to describe as being 3 dimensional comprising economic; social; and environmental roles which are mutually dependent and should not be taken in isolation. The NPPF stresses the presumption in favour of sustainable development.

It is considered that the proposal would bring some economic gains by providing work for contractors and local suppliers. There would be some social gain through the provision of new housing at a time of general shortage. The development could have limited detrimental impact upon the environment and this is compensated for by the inclusion of measures advised by consultees.

Whilst the NPPF does not set out specific criteria to determine the sustainability of development, the application site is within walking distance of the nearest bus stop and Shepley train station. It is also relatively close to

schools and health facilities in Shepley or Shelley. As such it is considered to be a relatively sustainable location.

Layout / Impact upon amenity:

Visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New developments should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

Layout is a matter for consideration at this stage, whilst a full assessment of the scale and appearance of the dwellings together with landscaping would be assessed as reserved matters.

The layout drawing shows three detached dwellings, one in each corner of the site. They have individual driveways from the access driveway serving this development and the development of 4 houses opposite. The longest driveway is to plot 6, positioned between the drives to plots 5 and 7.

Plots 5 and 6 have been positioned to preserve the visual amenity of a large protected tree and set in from the boundary with Stretch Gate in order to lessen their impact upon the character of the street-scene.

The layout contrasts to some extent with the established arrangement of houses in the vicinity of the site and it is considered by officers that this would add interest to the character of the area and be complementary to the traditional terraced houses and detached houses opposite. The layout is also quite similar to the previously approved outline permission for 4 houses on the same plot (reference: 2015/91643)

It is envisaged that each house could also have a mix of single and 2-storey elements and be externally surfaced in materials to match those already insitu which would assist in making the proposal blend in with the character of the area.

Each dwelling would have a double garage and off street parking for at least 2 vehicles with space to turn vehicles around within the site. In addition there is sufficient space around the buildings to enable habitable and non-habitable room windows to be formed without causing detriment to residential amenity.

Overall, it is considered that an acceptable scheme for the appearance and the scale of the development could be brought forward at reserved matters stage which would meet the requirements of policies BE1 and BE2 of the Kirklees Unitary Development Plan, and would ensure that there is no detriment caused to the visual amenity of the area.

Residential amenity:

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

In addition within the core principles of the NPPF is a requirement that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In this instance, whilst a full assessment of the scale and appearance of the dwellings, to include the positioning of windows would be considered as reserved matters, the issue of layout is being assessed at this stage.

The submitted layout plan shows a roughly triangular piece of land with plots 5 and 7 lining the southern and eastern boundary where they would border the proposed access and path, with adjacent properties at New Hey Moor Houses and dwellings on development site under construction beyond. Plot 6 is located near the northern corner of the site and adjacent to the northern boundary.

In relation to the nearest existing properties at New Hey Moor Houses the external works – phase 2 plan indicates that there would be a separation distance of at least 19 m between their rear elevations (which contain habitable room windows) and the south facing gable end elevation of plot 1. The remaining parts of the same elevation at plot 1 are set back a further 1.0m and 8.0m, so the overall distance for those elements would be at least 21.0 m. In such circumstances it is considered that it would be possible to construct a house on this layout without undue overlooking impact.

With regards to overshadowing and overbearing impact, given the separation distance detailed above and that the proposed dwelling is located to the north of the properties at New Hey Moor Houses, it is considered that there would be potential to build a house on the layout of plot 1 with very limited overshadowing or overbearing impact. Overall officers are satisfied that the layout would not adversely affect the residential amenity of the occupiers of the existing properties.

With regards to the houses at the adjacent site that is currently under construction, the external works – phase 2 plan indicates that there would be at least 15.0m between the southern elevation of plot 5 (at the application site), and the facing north elevations of plot 4 (already approved), and at least 13.0m between the nearest corner of plot 7 (at the application site) and the northern elevation of plot 1 (at the site opposite). The approved plans for the site under construction show that the facing elevations of plots 1 and 4 are

either blank or contain non-habitable room windows, so the above separations distances would be acceptable.

Given the above separation distances it is considered possible to build houses at plots 5 and 7 which would not excessively overlook the properties currently under construction. In addition, with the aforementioned separation distances and that the proposed dwellings would be to the north of the site under construction, it is considered possible to construct plots 5 and 7 without undue overshadowing or oppressive impact upon the amenities of the future occupants of the adjacent development site, but again this can be assessed in further detail when details of scale and appearance are submitted.

Within the site, the layout plan indicates that the spaces between each proposed dwelling are largely compliant with policy BE12. Where there is a shortfall it is anticipated that this could be overcome by the use of boundary fencing at ground floor level; it is also important to note that the properties do not have a direct relationship and so any impact would be lessened by an oblique angle. The layout proposed would also ensure the provision of garden space around each dwelling

With respect to distances from the proposed dwellings to any adjacent undeveloped land, the layout plan shows that the nearest part of plot 4 would be approximately 1.5m from the boundary with land to the north which is currently undeveloped. Whilst this is less than normally required by policy BE12 it is anticipated that this elevation would contain non-habitable room windows and given the size of the adjacent plot it would be possible to provide a house at plot 6 without prejudice to the development of that site. In such circumstances it is considered that the proposed dwellings would not unduly affect the residential amenities of the future use of the adjacent undeveloped land.

To conclude, it is considered that the proposal would provide an acceptable level of residential amenity for the future occupants, whilst also maintaining that of the existing surrounding residents. However, it is recommended that permitted development rights are removed for new extensions or standalone buildings within the curtilage of each dwelling to prevent over development of the site and adverse impacts upon neighbouring dwellings.

With the inclusion of such conditions the proposal would be acceptable and generally accord with policy BE12 and one of the core principles of the NPPF.

Highway issues:

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network”.

Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, “safe and suitable access to the site can be achieved for all people”.

The site is situated to the west of Abbey Road (A629) which forms one of the main links between Barnsley and Huddersfield. It is a single two-way carriageway with footpaths on both sides and street lighting. Within the vicinity of the proposed access to the site, Abbey Road is subject to a speed limit of 40 mph.

The application site is also to the east of and adjacent to Stretchgate, a single track private road between the A629 and Wood Lea Farm complex It is also a bridleway and extends to Shepley train station without vehicular access.

The proposal has been assessed by a Kirklees Highways development management officer who finds the proposal in its current format shown on revised plan 6868/030 Rev D acceptable subject to conditions and footnotes.

The current proposal includes the provision of a potentially adoptable road into the development form Abbey Road North with a segregated footway. The proposed road will also follow the line of the previously approved estate road and will include a 5.5m wide carriageway at the site entrance reducing to 3.7m with 2 passing places along its length. In addition a turning head provides sufficient space to allow service and refuse vehicles to enter and turn within the access road. Furthermore each property will have a two car garage and two parking spaces.

This would provide satisfactory and safe access to the proposed development and accords with policies T10, T19, BE1 and BE2 of the Kirklees Unitary Development Plan.

The application site borders Stretchgate along its western boundary. This is a single track private road which becomes a footpath near the junction with a driveway to Wood Lea Farm complex; it is also a bridleway. The Kirklees Public Rights Of Way team were consulted on the previously approved outline permission at the site (reference: 2015/91643) and comment that there should be no general access / egress for vehicular traffic to / from the site to the bridleway. These comments remain applicable for the current scheme. The proposed layout and external works phase 2 drawing show that the site would be accessed from Abbey Road North and there would be no vehicular access to or from Stretchgate.

Drainage:

Chapter 10 of the NPPF (paragraph 104) states that applications for minor development such as this should not be subject to a sequential or exemptions test but should still meet the needs requirements for site specific flood risk assessments.

No details have been submitted, however comments received from the Council's Flood Risk & Drainage in relation to the previously approved outline permission (reference 2015/91643) were that it has been agreed to amalgamate the drainage of phase 1 (different application) and phase 2 (this application) with a discharge to watercourse of 5l/s. This was slightly different to a drainage report submitted with that application. To tie things up they suggest adding a general drainage condition.

In relation to the previously approved outline permission (reference 2015/91643) Yorkshire Water comment that based on the information submitted with that application (drainage statement 26th May 2015 rev A) no comments are required.

As such subject to the imposition of the recommended condition, the proposal would then comply with chapter 10 of the NPPF

Contamination; noise; air quality:

Policy G6 of the UDP states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. In addition paragraphs 120 and 121 of the NPPF reflect policy G6 in that they require planning decisions should ensure that new development is appropriate for its location and where a site is affected by contamination responsibility for securing a safe development rests with the developer or land owner.

The previously approved outline permission (reference 2915/91643) was assessed by the Council's Environmental Health section, it was noted that the site is on or adjacent to land which may be contaminated by its former use as a woollen mill. They therefore recommend the following conditions relating to the submission of a preliminary risk assessment; intrusive site investigation report; submission of remediation strategy; implementation of the remediation strategy; and the submission of a validation report.

In addition paragraph 35 of the NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be designed where practical to ….incorporate facilities for charging plug-in and other ultra low emission vehicles..,'

They would like this development to encourage this use of ultra low emission vehicles and therefore suggest a condition to secure these facilities.

Provided that the recommended conditions are applied, then the proposal would comply with policy G6 and guidance given in the NPPF.

Other issues:

Biodiversity and trees:

Firstly with regards to biodiversity, paragraph 118 of the NPPF states "when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity" by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

No details have been submitted with the current application, however in relation to the previously approved outline permission (ref: 2015/91643) an ecological survey and bat activity survey were provided and comments from the Council's biodiversity officer received. They note that no bats were found to be roosting in the trees, although use cannot be ruled out so a pre-cautionary approach to felling is recommended. There is no objection in principle to the proposed outline development but request that data search and phase 1 map be provided as part of biodiversity mitigation and enhancement plan (including measures to protect and manage or compensate for the loss of any species rich grassland – which is feasible).

They went on to say that the biodiversity mitigation and enhancement plan should include the following: guidance on timing of vegetation clearance; precautionary soft felling approach to tree removal; the retention of the remaining mature tree; 4 bat boxes to the new dwellings and 2 bat boxes on the retained tree; 2 bird nesting boxes suitable for starlings on boundary trees; 2 sparrow terraces integral to the new dwellings; details of security lighting; a management plan for species rich grassland (subject to further details and phase 1 habitat map); details of fencing which should not impede free movement of hedgehogs.

It is recommended that these requests are again included in the recommendation as a combination of conditions and footnotes.

With regards to trees, policy NE9 of the UDP states that development proposals should normally retain mature trees within an application site.

In this instance, the site accommodates one mature tree (with Tree Preservation Order status) adjacent to the boundary with Stretch Gate which contributes to the visual amenity of the area. The application has also been submitted with an arboricultural method statement.

The Council's arboricultural officer has been consulted and has no objection to the proposal subject to 2 conditions which require the works to be done in accordance with the recommendations of the arboricultural statement and that evidence to show that the arboricultual supervision specified in the method statement was undertaken and approved by the local planning authority prior to the development being used.

Provided that this is conditioned is applied then the proposal would need the requirements of policy NE9 and BE2 of the UDP.

Public open space:

The site area is over 0.4ha and the Council's policy H18 regarding provision of Public Open Space applies.

Outline planning approval (reference 2015/91643) at the same site was granted with the same condition and subsequently a unilateral undertaken was agreed, submitted and approved for a sum of £10,843.00. (This was calculated on the basis of £37,950 for 14 dwellings and re-adjusted for the provision of four dwellings).

It is considered appropriate to use the same methodology in this instance. The current application is for 3 dwellings and therefore the sum is adjusted to £8,132.

This will be secured by section 106 agreement as set out in the recommendation and heads of terms have been agreed.

Representations:

None.

Conclusion:

There is limited prospect of the site being developed for its allocated (industrial) land use and the proposed outline development of three houses is considered to be an appropriate form of development.

The layout of the houses would be in keeping with the character of the area and subject to conditions the proposal would not have a harmful effect upon residential amenity; highway safety; or protected species. It is considered that a scheme could be brought forward at reserved matters stage which would not have a detrimental impact upon residential and visual amenity.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

9. RECOMMENDATION

GRANT CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. **Secure the signing of a section 106 agreement securing the provision of a sum in lieu of on site Public Open Space.**

2. **Impose all necessary and appropriate conditions, which may including those set out in section 9 of the agenda, and**

3. **Subject to there being no substantial change that would alter this recommendation, issue the decision notice**

Conditions:

1. Approval of the details of the appearance, scale, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, scale and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the application red line.

7. The internal road and adjacent footway shall be completed in accordance with the scheme shown on 6868/030 rev D before any building is brought into use and retained thereafter.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

9. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

10. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for

the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

15. Notwithstanding the submitted details, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before development commences. All works which form part of the approved scheme shall be completed prior to occupation of the development and thereafter retained.

16. The details of 'appearance' to be provided pursuant to conditions 1 and 2 shall include the provision of the following:

- two sparrow terraces installed integral to a suitable aspect elevation(s) of each new dwelling.
- one bat tube (Schweglar type 1FR or similar) fitted integral to a suitable southerly aspect elevation of each new dwelling.

The bird and bat nesting opportunities shall be provided before the dwellings are first occupied and retained thereafter.

17. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved first comes into use. These shall be designed so as not to impede the free movement of hedgehogs. The approved boundary treatments shall then be implemented before the development hereby approved first comes into use and retained thereafter.

18. The details of 'landscaping' to be provided pursuant to conditions 1 and 2 shall include a biodiversity mitigation and enhancement plan (including a data search and phase 1 habitat map). The plan shall include the following:

- A precautionary soft felling approach to tree removal which should include inspection of features with potential for roosting bats immediately prior to felling. If bats are found then felling must cease immediately and the advice of licensed bat worker sought.
- The retention of the remaining mature tree, boundary hedges/shrubs where removal is not required to accommodate building or access and native species tree/shrub planting around the site boundary to enhance and develop habitat networks within and beyond the site.
- 2 Schewglar 1FF bat boxes or similar and two woodcrete nest boxes suitable for starlings fitted on the retained mature tree
- Details of artificial lighting including security lighting. Note that there should be no light spillage into tree habitats and corridors and lighting should be designed to be minimise impacts on bat foraging habitats.
- A management plan for the species rich grassland (subject to further details and phase 1 habitat map) along the access track to be retained outside of the gardens and managed to retain biodiversity interest.

Thereafter, the development shall be carried out in complete accordance with the biodiversity mitigation and enhancement plan.

19. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (James Royston 131103C MS). These shall be implemented and maintained throughout the construction phase and retained thereafter.

20. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in, the Arboricultural Method Statement, reference (James Royston 131103C MS) was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85).Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: The Local Planning Authority would be satisfied with 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking).

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

This recommendation is based on the following plans and specification schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	Dwg no. 600	Rev A	22.03.2016
Site layout plan	Dwg no. SK01-14.03.16	Rev D	22.03.2016
External works phase 2	Dwg no 6868/030	Rev D	22.03.2016
Supplementary information: Design and Access Statement			22.03.2016
Supplementary information: Planning Policy and Employment Land Statement			22.03.2016
Supplementary information: Arboricultural Method Statement by James Royston	Ref: 131103CMS		27.04.2016