
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 30-Mar-2017

Subject: Planning Application 2016/94117 Outline application for residential development (C3) Land off Lees Hall Road, Dewsbury

APPLICANT

Miller Homes

DATE VALID

14-Dec-2016

TARGET DATE

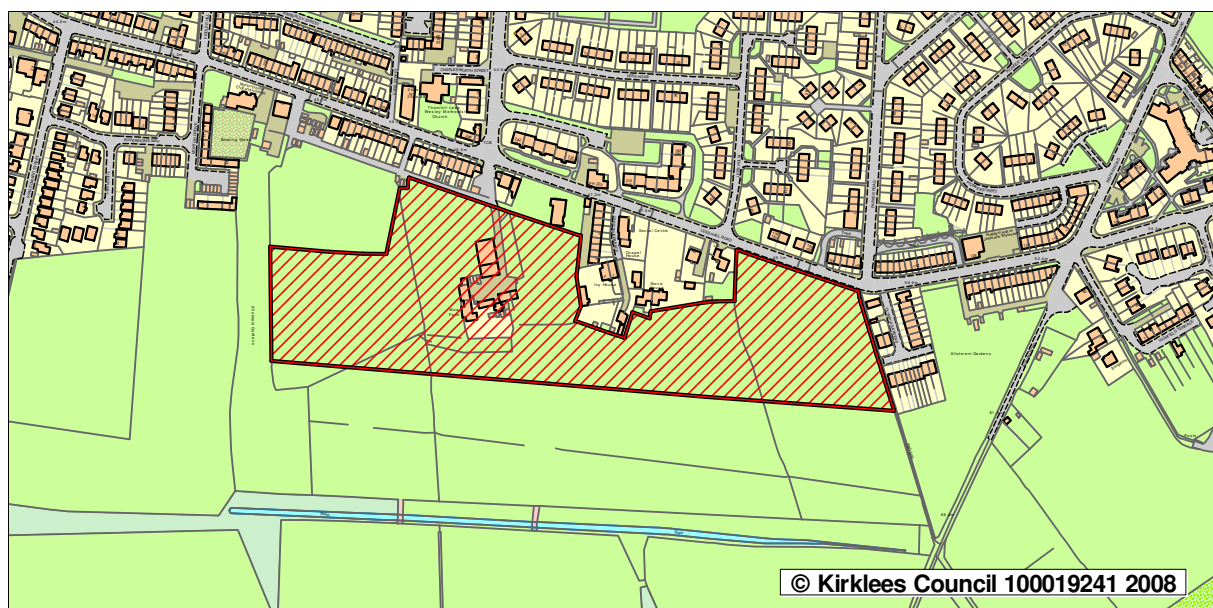
15-Mar-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South

Yes

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee for consideration in accordance with the Councils approved scheme of delegated authority as the development proposed represents a departure from the Councils Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is 4.43ha in area and is located approximately 3.2km to the south of Dewsbury town centre, within proximity of Ravensthorpe and Thornhill Lees local centres.
- 2.2 The site sits to the south of Thornhill Lees and Lees Hall Road. It comprises of an area of open agricultural land and accommodates an existing farmstead, Moor Farm. It is bounded to the north by existing housing to Lees Hall Road and Chestnut Terrace (that also serves Thornhill Lees Village Hall), to the west by existing allotments, to the south by agricultural fields and to the east by a public footpath with housing off Olympia Gardens and allotments beyond.
- 2.3 Ravensthorpe Railway Station is reasonably near to the site, providing access to Dewsbury, Huddersfield and Leeds.

3.0 PROPOSAL:

- 3.1 The application seeks outline planning permission for residential development with all matters reserved except for the point of access. Vehicular access is proposed from Lees Hall Road via a priority junction.

3.2 The illustrative layout shows a series of residential development cells accessed from a linear road. The illustrative layout shows approximately 120 dwellings with the existing farmhouse and stone barns (Moor Farm) being retained.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application has been the subject of pre application consultation with the Local Planning Authority.

5.2 Requests for further information and points of clarification have been raised in respect of access and highway matters. Further information has been provided by the applicant.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D5 – Provisional Open Land
H1 – Housing Need
H10/12 – Affordable Housing
BE1/2 – Design and the Built Environment
BE12 – New dwellings providing privacy and open space
BE23 – Crime prevention measures
EP10 – Energy efficiency
EP11 – Landscaping
T10 – Highway safety/environmental problems
T16 – Pedestrian Routes
T19 – Off street parking

H18 – Provision of Open Space
G6 – Contaminated Land
R9 – Allotments
NE9 – Retention of mature trees

Supplementary Planning Guidance / Documents:

- 6.3 KC SPD2 Affordable Housing
KC Interim Affordable Housing Policy
KC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

National Planning Guidance:

- 6.4 NPPF Promoting sustainable transport (chapter 4)
NPPF Delivering a wide choice of high quality homes (chapter 6)
NPPF Requiring good design (chapter 7)
NPPF Promoting healthy communities (chapter 8)
NPPF Meeting the challenge of climate change, flooding (chapter 10)
NPPF Conserving and enhancing the natural environment (chapter 11)

Planning Practice Guidance March 2014

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been the subject of pre application public consultation, in line with the requirements of Kirklees Council Statement of Community Involvement. A drop-in exhibition was arranged for members of the local community. This event provided an opportunity for the community to view, discuss and comment upon the development proposals being put forward. Seventy people signed into the event, members of the local community were invited to comment upon both indicative masterplans and supporting information.
- 7.2 The main concerns raised were based around the impact the development would have on the local highway network, school capacity, health centre capacity, surface water flooding and loss of greenspace. There was also interest from the community in purchasing a property on either site and those members were encouraged to remain engaged with the consultation process.
- 7.3 Where possible comments raised by the community have been considered by the applicant through design development.
- 7.4 In respect of the current planning application, a total of 12 representations have been received. Whilst a number of representations acknowledge a need for more housing, concerns are raised in relate to:

Principle:

- Land is allocated as provisional open land in the UDP
- Loss of the farm and fields that have value as open land within the area
- Development of a green field site
- Development of green belt land

Highways:

- Capacity of local highway network to accommodate additional traffic from the development.
- Lees Hall Road is already heavily trafficked and congested with on street parking and is used as a cut through between the M1 to M62.
- The Forge Lane Thornhill Road/Station Road double mini-roundabout and the A644 Huddersfield Road/Calder Road signal-controlled junction are shown to be already over capacity in the transport assessment; the development proposed will exacerbate this.
- S106 contributions should be used to provide the new highway infrastructure needed to accommodate the development.
- There is need for a bypass.
- Existing footpath that runs between the site and Olympia Gardens should be retained.

Surface water drainage:

- The impact of development upon the existing water table.
- During periods of heavy rainfall the land becomes saturated with standing water in the lower part of the site adjacent nos 365-383 Lees Hall Road. Development may give rise to an increased risk of flooding for existing properties on Lees Hall Road.

Local Infrastructure:

- Lack of shops and facilities to support local community.
- There is a lack of children's play facilities within the local area.

'Save Mirfield' comment that "this is one of two opportunistic applications and we think one reason this application has come in now is possibly that the developers are keen to get applications approved before the Community Infrastructure Levy (CIL) is adopted which will happen when a Local Plan is adopted. However in our opinion the Transport assessment does not analyse the impact of the inevitable extra traffic on the Ravensthorpe Gyratory or Cooper Bridge and the A644 in between, which we all know is a bottle-neck at certain times of the day and very busy generally".

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water – Request condition to control means of disposal for surface water.

Coal Authority – No objection subject to condition requiring that intrusive site investigation works be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

8.2 **Non-statutory:**

KC Highways – No objections to the principle of this proposal in highways terms however a number of minor concerns, requests for further information and points of clarification are raised. These should be covered within either a supplemental Transport Assessment or Transport Assessment Addendum.

KC Environmental Services – Request conditions requiring submission of a phase 2 intrusive site investigation and a remediation strategy.

KC Flood Management & Drainage – No objection to the principle of housing and support the application subject to robust conditions requiring a catchment drainage study, details of surface water drainage, overland flow routing and temporary drainage infrastructure during construction to be submitted to and agreed by the LPA

KC Education – Indicative contribution amount to be provided at the update report stage. As this application is in outline the use of a planning condition to secure any necessary education requirements arising from the development is appropriate.

KC Ecologist – Conditions are recommended to ensure any reserved matters application is based on relevant data and that any necessary measures for ecological mitigation and/or enhancement are included. Additional conditions securing a lighting design strategy and/or measures to avoid ecological impacts during construction may also be required as part of any reserved matters permission.

KC Trees – No objection, there are a number of trees along the road frontage which will likely be removed for the access to the site. At reserved matters stage a replacement planting scheme along the frontage should be secured as these trees are quite prominent and form a good row of trees.

9.0 **MAIN ISSUES**

- Principle of development
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated as Provisional Open Land (POL) in the Councils UDP. Policy D5 of the UDP states that “planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.”
- 10.2 Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.
- 10.3 The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49. In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.4 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded that (paragraph 42): “The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”
- 10.6 NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.
- 10.7 Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.

- 10.8 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements, while the ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations.
- 10.9 As such, in the absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable in this instance.

The Kirklees Local Plan

- 10.10 The Kirklees Local Plan will provide the evidence base for all new and retained allocations including POL. The LPA considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.
- 10.11 The Application Site forms part of the wider Dewsbury Riverside housing allocation H2089 in the emerging Kirklees Local Plan, which is identified to deliver up to 4,000 new homes.
- 10.12 The applicant has submitted evidence in support of the proposed local plan housing allocation. The high level delivery statement and indicative masterplan represent a stage in the evolution of a scheme to deliver 4,000 new homes with associated green space, community and retail functions. The final version of the masterplan will continue to evolve through ongoing key stakeholder and community engagement and formal design review.
- 10.13 The indicative layout submitted in support of this application illustrates how a development of 120 dwellings could be provided for and that as an early phase of development, a scheme can work independently but sit within the context of the wider master plan and can be developed without prejudicing delivery of the wider scheme, if and when the whole site is allocated, notwithstanding due process of the emerging local plan.

Housing issues

Strategic Housing Market Assessment (Dewsbury & Mirfield):

- 10.14 With 69 affordable homes needed each year, there is a significant need for more 3+ bed houses in Dewsbury and Mirfield. House prices are in the medium to lower range for Kirklees ranging around £90,000- £165,000. Home ownership is just under 65%, private renting is about 15% of the market and

social rented is around 20%. Rents are some of the lowest in Kirklees, starting at around £394 monthly.

Affordable housing:

- 10.15 The Council has approved an interim affordable housing policy that reflects the policy in the draft Local Plan. The draft Local Plan advises that the Council seeks to secure 20% of dwellings on sites with over 11 or more dwellings, for affordable housing. The interim policy also advises that on-site provision of affordable housing is preferred however where the Council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable.
- 10.16 Given that layout is a matter reserved for future consideration, it is recommended that a condition be imposed requiring a scheme for the delivery of affordable housing to be submitted to and agreed by the Local Planning Authority before development of any dwelling commences.

Public Open Space

- 10.17 The provision of public open space to serve the development, in accordance with the requirements Policy H18 of the Councils UDP, will be a matter of layout, for consideration as part of the reserved matters application. It is recommended that a condition be imposed requiring a scheme for the provision of public open space to be submitted to and agreed by the Local Planning Authority before development of any dwelling commences.

Education

- 10.18 It is recommended that a condition be imposed requiring a scheme for the provision of infrastructure to meet educational needs to be submitted to and agreed by the Local Planning Authority before development of any dwelling commences.

Highways

- 10.19 The application is in outline with access only to be considered. Vehicular access is proposed via a simple priority junction to/from Lees Hall Road to the west of Parker Road. 120 residential dwellings are notionally proposed on-site. The application is supported by a Transport Assessment (iTransport November 2016), an indicative Masterplan Drawing (PO-MP-SPA-IL-P3565-0001-00) and a site access plan (ITY11389-GA-001 Rev B).

Highways Site Context

- 10.20 Lees Hall Road can be classed as a local distributor road and serves a number of residential properties along its frontage length. It is circa 7.3m in width, street lit and subject to a 30mph speed limit. Traffic calming in the form of raised tables and speed cushions are located at intervals and there are no on-street parking restrictions within the vicinity of the application site.

10.21 Along the frontage of the site to the west, Lees Hall Road junctions with Brewery Lane via a 3-arm mini-roundabout. Further to the west, Lees Hall Road junctions with Ravensthorpe Road and Forge Lane via a 3-arm mini-roundabout. To the east the junction with Ingham Road is via a simple priority junction arrangement.

Policy

10.22 The submitted Transport Assessment contains a comprehensive policy review in highways/ transport terms and it is considered that the proposal accords well in this regard.

Public Transport Provision

10.23 The application site is considered to be moderately well served by existing public transport facilities. A Framework Travel Plan has been provided in support of this proposal which will need to be fully conditioned.

Pedestrian Accessibility, Infrastructure and PROW

10.24 The submitted Transport Assessment provides a study of existing pedestrian infrastructure within the vicinity of the site. The provision of public (non-vehicular) access routes into and across the site will be sought at the relevant time in the planning process for the benefit of existing and future residents.

10.25 Off-site highway improvements to the existing PROW network may be sought and expected. Details of design for access routes, crossing point's etc. should be submitted and agreed at the relevant point(s) in the planning process.

Baseline Traffic and Survey Data

10.26 In order to determine the baseline conditions on and around the local highway network, the submitted Transport Assessment utilises a number of junction turning counts, queue surveys and automatic traffic count data. As agreed with Highways Development Management existing junction turning counts were undertaken for the following that make up the pertinent study area for assessment:

- Lees Hall Road/Brewery Lane mini-roundabout;
- Lees Hall Road/Ravensthorpe Road/Forge Lane min-roundabout;
- Ingham Road/Slaithwaite Road simple priority junction;
- Forge Lane/Thornhill Road/Station Road dumbbell mini-roundabout;
- Huddersfield Road/Calder Road signal controlled junction.

Baseline Capacity Assessments

- 10.27 In order to assess the existing operational performance of the Lees Hall Road/Brewery Lane mini-roundabout; Lees Hall Road/Ravensthorpe Road/Forge Lane mini-roundabout; and the Ingham Road/Slaithwaite Road four-arm priority controlled junctions have been modelled. The modelling has been verified as being appropriate and the results of the operational assessment illustrate that the junctions currently operate within their theoretical capacity limit and in line with observed queue data.
- 10.28 In order to assess the operational performance of the Forge Lane/Thornhill Road/Station Road dumbbell mini-roundabout configuration, the junction has been modelled. The results illustrate that the junction currently operates over its theoretical capacity limit during the AM and PM peak hours; assessed against this are the results of the observed queue data which illustrates some moderate to high queue levels during the peak hours.
- 10.29 In order to operationally assess the A644 Huddersfield Road/Calder Road signal controlled junction, the signalised operation has been modelled. The results of the operational assessment illustrate that the junction currently operates within its theoretical capacity limits.

Injury Accident Assessment

- 10.30 A full Personal Injury Accident Assessment for data from the most recent 5-year period (April 2011-September 2016) has been undertaken for the study area. Highways DM is satisfied that there are no existing accident or highway safety trends that this proposal is likely to exacerbate and as such the proposal is considered acceptable in that regard.

Access Proposals

- 10.31 The primary vehicular, pedestrian and cycle access to the application site is proposed via a newly created priority controlled T-junction to/ from Lees Hall Road at the eastern end of the application site.
- 10.32 It is proposed to relocate the existing speed cushions in the vicinity of the proposed site access some 25m to the west. This is considered appropriate and acceptable in this regard.
- 10.33 In addition to the primary site access, a secondary pedestrian/cycle access is also proposed via an extension of the existing service road between nos 335-347 Lees Hall Road in the vicinity of the Lees Hall Road/Brewery Lane mini-roundabout.

Traffic Impact Assessment Methodology

- 10.34 The submitted Transport Assessment provides a sensitivity test assessment assuming a post 5-year assessment year of 2021.

- 10.35 Committed development has also been considered in the form of a 169 dwelling residential development located off Forge Lane (2013/92657). Cumulative development impact, taking into account the applicant's "sister" outline application off Ravensthorpe Road is considered later in the assessment.
- 10.36 The committed development assignment has been added to the 2016 base survey assignment in order to produce a base + committed development scenario. This scenario has been included with calculated 2021 base flows in order to produce a 2021 base + committed development scenario. This approach is considered acceptable.

Trip Generation

- 10.37 iTransport's forecast vehicular trip rates per dwelling utilised within the Transport Assessment (TA) are: AM Peak – 0.479 (two way) and PM Peak – 0.508 (two way) movements per dwelling.
- 10.38 The Council has recently completed automated number plate recognition counts at a number of completed/ soon to be completed housing sites in the same area. This indicates a trip generation in the order of 0.6 to 0.7 trips per household. Highways DM therefore consider vehicular trip rates of 0.7 to be more robust and representative of new developments in the area.
- 10.39 That said, given the relatively small difference in development trips in relation to the proposed circa 120 dwellings, it is considered that the higher rate would not have a material impact on the highway network modelling carried out by the applicants highways consultant.
- 10.40 Equating TA trip rates to the proposed development sees the following traffic generation at the proposed site access:

AM Peak – 15 arrivals/43 departures (57 two-way)
PM Peak – 37 arrivals/24 departures (61 two-way)

Traffic Impact Assessment

- 10.41 The site access junction has been modelled for both the 2016 and 2021 Assessment scenarios. The results demonstrate that the proposed site access would operate within its theoretical capacity limits.
- 10.42 The Lees Hall Road/ Brewery Lane junction has been modelled for both the 2016 and 2021 assessment scenarios. The results demonstrate that the junction would operate within its theoretical capacity limits.
- 10.43 Based upon the assessment results, Highways DM accept that the introduction of the proposed development should not result in a material impact upon the efficiency of the highway network.

Cumulative Impact Assessment

10.44 In order to provide an operational assessment of the local highway network for both applications, a cumulative impact assessment has been provided within the submitted Transport Assessment. The cumulative trip generation has been provided by combining the two sites together to give the following combined trip rates:

AM Peak Hour – 30 arrivals/86 departures (114 two-way)

PM Peak Hour – 74 arrivals/48 departures (122 two-way)

10.45 2016 and 2021 Base + Committed + Development flows have been combined with the above to create 2016 Cumulative Development flows and 2021 Cumulative Development flows. An assessment has been undertaken to determine where material increases in traffic occur within the highway study area.

10.46 The results demonstrate that all junctions within the study area, with the exception of the Ingham Road/Slaithwaite Road junction will experience a material increase in the 2016 assessment year and as such all have been subject to operational assessment as per the models presented within the submitted Transport Assessment for both the 2016 assessment year and the 2021 sensitivity assessment year. The results are as follows:

- The Ravensthorpe Road/Site; Lees Hall Road/Site; Lees Hall Lane/Brewery Lane; Lees Hall Lane/Ravensthorpe Road/Forge Lane; A644 Huddersfield Road/Calder Road accesses and junctions cumulative 2016 and 2021 assessment demonstrates that they would operate within its theoretical capacity limits.

- Forge Lane/Thornhill Road/Station Road:

- o As presented with the submitted Transport Assessment, this junction currently operates over its theoretical capacity limit. The results of the 2016 Cumulative Assessment demonstrate that the junction would continue to experience capacity issues on the Station Road arm of the junction during the PM peak hour and the Thornhill Road arm of the junction is predicted to experience high levels of queuing during the PM peak hour.

- The results of the 2021 Cumulative Assessment demonstrate that the junction would continue to experience capacity and queuing issues on the Thornhill Road arm of the junction during the PM peak hour.

-

10.47 In summary, Highways DM consider that the proposed development and the cumulative impacts from approved sites within the vicinity are likely to periodically increase queues and delays at the aforementioned junctions but they are not expected to measurably compromise highway safety.

Drainage issues

- 10.48 The Councils Flood Management & Drainage Team advise that whilst it is recognised that this application is in outline with all matters reserved apart from consideration of the point of access, given the scale of adjacent land being promoted for housing in the Local Plan, it is imperative that site drainage, land drainage (watercourses) and current/ future overland flood routing is considered holistically in order to facilitate development and promote a catchment wide drainage strategy that avoids risk wherever possible and mitigates risk to acceptable levels for new and existing properties.
- 10.49 In order to achieve this, whilst encouraged by the initial flood risk assessment (FRA), it is recognised that further detailed analysis is required, proportionate to the potential scale of the wider development (that includes this application site) and its effect on the surrounding built environment. A 'Catchment Drainage Study' is therefore required.

Catchment Drainage Study:

- 10.50 ARP Associates has commenced further investigation work with Kirklees Flood Management as Lead Local Flood Authority (LLFA) to better understand drainage network as stage 1 of this approach.
- 10.51 The LLFA envisages stage 2 to involve camera survey work both on and off site, dye testing and potential intrusive work on site understand location, size, depth, condition and connectivity of local drainage systems to produce a comprehensive map of 'where water goes'.
- 10.52 For stage 3, a 2D model utilising best available LIDAR data and site specific topography, including the developed drainage map, blockage and inundation scenarios and various storm return periods will be required to understand current overland flow routing and risk in as great a detail as is currently possible. This should be used as a benchmark in an analysis of how the landscape and built environment may change as the wider site is altered both in terms of cut and fill (re-landscaping) and the potential effects of grouting of mine workings, in addition to designing layouts around the identified risk. Models should then be re-run to demonstrate risk avoidance/reduction.
- 10.53 The ultimate goal is to inform the design and utilise road networks and public open space as conduits for surface water flooding, protecting watercourses, property and curtilage, whilst assessing where improvement can reasonably be made to current risk off-site. In this respect the current FRA does not yet assess off site connection opportunities, downstream impacts and known incidents of flooding adjacent to the site.
- 10.54 Kirklees Flood Management & Drainage feel it necessary to raise the possibility that major off site improvement works could be required that include the installation of brand new pipework to a designated outfall. However they do not object to the principle of housing in the area and support

the application subject to robust conditions to facilitate the above research and design process.

Coal mining legacy issues

- 10.55 The Coal Authority concurs with the recommendations of the Preliminary Geoenvironmental Investigation; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- 10.56 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works to be undertaken prior to commencement of development.
- 10.57 In the event that the site investigations confirm the need for remedial works to treat the mine entry and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

Ecology issues

- 10.58 The application is in outline with all matters reserved except for means of access. The indicative layout shows the existing farmhouse and stone barns (Moor Farm) retained. The submitted ecological report does not assess the ecological impacts of any proposed future layout and has not determined the level of use by roosting bats, other than to identify some bats are roosting in various farm buildings and that the majority of buildings have high potential to support roosting bats.
- 10.59 Foraging and roosting bats are present within the site and therefore by definition are a material consideration. Any future demolition of the farm buildings would be likely to result in an impact to bats significant at a local level and would not be consistent with the maintenance of favourable conservation status, unless adequate mitigation is proposed. If therefore at reserved matters stage, demolition of any building identified as having high potential to support roosting bats is proposed, then a full survey will be required prior to determination. Demolition of the buildings may well be possible, but details of how this will be mitigated will need to be provided and this cannot be determined unless further survey is undertaken in relation to the status of roosting bats within the farm buildings.
- 10.60 Other potentially significant ecological effects relate to the loss of hedgerows (a habitat of principle importance under NERC Act 2006), and subsequent impacts to breeding and wintering birds, hedgehog and bat foraging habitat. The information submitted is sufficient to determine the nature of impacts in relation to these ecological features.

- 10.61 Conditions are recommended to ensure any reserved matters application is based on relevant data and that any necessary measures for ecological mitigation and/or enhancement are included. Additional conditions securing a lighting design strategy and/or measures to avoid ecological impacts during construction may also be required as part of any reserved matters permission.

Representations

- 10.62 The representations detailed in section 7 of the report are considered and addressed within the assessment above.

11.0 CONCLUSION

- 11.1 The Council is currently unable to demonstrate a 5 year supply of deliverable housing land and therefore in accordance with the NPPF, relevant policies for the supply of housing are considered to be out of date. In such circumstances, in accordance with the NPPF, there is a presumption in favour of sustainable development and planning permission should be granted "*unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted*".
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. On balance, it is considered that the proposed development is in accordance with the principles of sustainable development.
- 11.3 The proposed development provides new investment through the delivery of new homes that will meet demand in the area and address the housing needs, alongside new job opportunities and generating additional expenditure within Dewsbury.
- 11.4 There would be indirect regeneration benefits associated with the proposed development, creating confidence in the housing market and development of a sustainably located site. Through increased household spending in the local area the proposal would support existing shops and services within the area.
- 11.5 Weighing these considerations in the planning balance, with other matters detailed in this report, Officers conclude that the development proposed is acceptable and that the benefits of the development outweigh any potential harm.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Submission of reserved matters for Layout, External Appearance, Scale and Landscaping
2. Commencement of development time limit
3. Highway & transport
4. Provision of affordable housing
5. Provision of public open space
6. Provision of infrastructure to meet education need
7. Flood management & drainage
8. Site remediation
9. Coal mining legacy
8. Ecology

Background Papers:

Application and history files

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94117>

Certificate of Ownership – Certificate B and Notices served