
Report of the Head of Development Management**STRATEGIC PLANNING COMMITTEE****Date: 30-Mar-2017****Subject: Planning Application 2016/94118 Outline application for residential development Land off Ravensthorpe Road, Dewsbury****APPLICANT**

Miller Homes

DATE VALID

13-Dec-2016

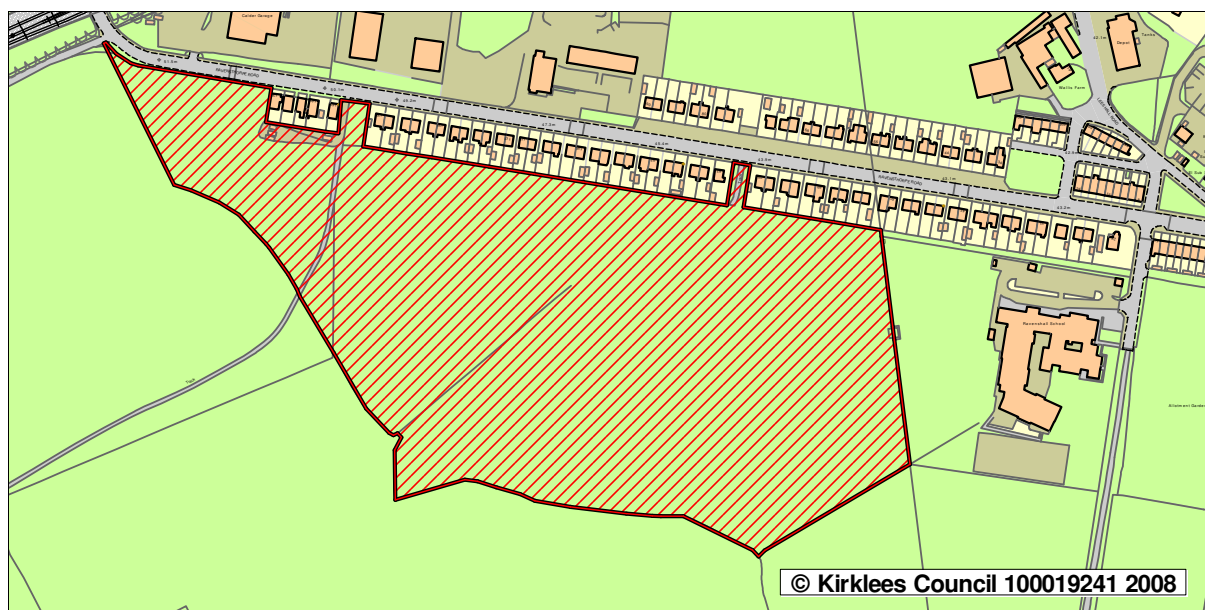
TARGET DATE

14-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 is for more than 60 dwellings.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately 8.37ha and is situated to the south of Dewsbury and forms part of housing allocation H10.5 Ravensthorpe Road, Thornhill Lees within the Councils Unitary Development Plan.
- 2.2 Part of the site is Council owned and the appropriate notice has been served by the applicant.
- 2.3. The site is located on the edge of Thornhill Lees, approximately 3.2 kilometres from the centre of Dewsbury, with proximity to the large local centres of Ravensthorpe and Thornhill Lees. Ravensthorpe railway station is close to the site, providing access to Dewsbury, Huddersfield and Leeds.
- 2.4. The site is located to the south of Ravensthorpe Road and comprises open agricultural land. It is bounded to the north by Ravensthorpe Road with existing housing, to the south and west by agricultural fields and to the east by Ravenshall School and agricultural land.

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 via the creation of a new priority T-junction with Ravensthorpe Road.

- 3.2 It is proposed to relocate the existing speed cushions on Ravensthorpe Road adjacent the site access junction circa 17m east of their current position. Doing so enables the introduction of dropped kerbs and tactile paving to provide an uncontrolled pedestrian crossing of Ravensthorpe Road to serve the desire line to Ravensthorpe station.
- 3.3 The illustrative layout shows how up to 120 dwellings could be accommodated by way of a series of residential development cells accessed from a linear access road.
- 3.4 There are a number of claimed bridleways that cross the site, the indicative layout shows how these may be accommodated.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 99/93454 – Outline application for residential development. Withdrawn

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 H1 – Housing Need
- H6 – Land allocated for Housing
- 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 application, a total of 13 representations have been received. Whilst some representations acknowledge a general need for more housing within the area, concerns are raised in relate to:

Principle:

- 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.
- Ravensthorpe Road is already heavily trafficked and congested; the existing speed bumps do little to slow traffic down.
- Ravensthorpe Road is used as a rat run to avoid congestion at the Ravensthorpe gyratory.
- Ravensthorpe Road, Lees Hall Road are used as a as a cut through between the M1 and M62. The development along with other planned housing in the Local Plan will lead to overcapacity and total traffic congestion.
- The proposed point of access is close to a 90 degree bend in Ravensthorpe Road
- 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.

Surface water drainage:

- There is an ongoing problem with surface water drainage on Ravensthorpe Road. There are a number old mine shafts that fill with water and as the water table rises during prolonged rainy periods, excess surface water runs off the elevated land into gardens, under drawings and Ravensthorpe Road.

Local Infrastructure:

- Capacity of schools, doctors in area to accommodate demand from new development

‘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.

Environment Agency – The Lead Local Flood Authority (LLFA) is now the statutory consultee for major applications and manages the regulation of works affecting all watercourses except for those designated ‘main river’ (which remain with the Environment Agency).

KC Flood Management & Drainage (LLFA) – 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

Coal Authority – No objection subject to conditions requiring that intrusive site investigation works be undertaken, that a remediation strategy be agreed prior to commencement of development and that the remediation works agreed be implemented.

8.2 Non-statutory:

KC Highways – No objections to the principle of this proposal subject to appropriate conditions.

KC Environmental Services – Request conditions requiring submission of a phase 2 intrusive site investigation and remediation strategy, a noise report with measures to protect occupiers of the housing from noise from nearby industrial premises, the provision of Low emission vehicle charging points and a low emission travel plan.

KC Strategic Housing – Welcome the application and open to discussions with the applicant about the provision of affordable housing

KC Education – As the application is in outline with layout reserved it is appropriate to use a planning condition to deliver any infrastructure requirements arising from the development.

KC Ecologist – Support the principle of residential development subject to conditions requiring approval of an ecological design strategy and a landscape and ecology management plan. 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 objections

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 Policy H1 of the Councils Unitary Development Plan (UDP) advises that the housing needs of the district will be met by (amongst other matters) *‘providing land to meet the requirement for a range of house types by allocating sites of various sizes and in different types of locations having regard to local patterns of demand’*.
- 10.2 The application site is part of a wider area of land allocated for housing in the Councils UDP (ref: H10.5) and as such the principle for housing has been established in policy terms. This is consistent with NPPF paragraph 14, which states that there is a presumption in favour of sustainable development and for decision taking this means, *‘approving development proposals that accord with the development plan without delay.’*
- 10.3 It is also acknowledged that the Council is currently unable to demonstrate a 5 year supply of housing land. Para 49 of NPPF advises that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*.
- 10.4 NPPF para 14 also advises that for decision taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.’*

- 10.5 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.
- 10.6 As such, given that the land is allocated for housing in the UDP and 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 for housing is considered to be acceptable.

The Kirklees Local Plan

- 10.7 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.
- 10.8 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.
- 10.9 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.
- 10.10 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):

- 10.11 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:

- 10.12 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.
- 10.13 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

- 10.14 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 issues

- 10.15 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.

Highway

- 10.16 The application is in outline with access only to be considered. Vehicular access is proposed via simple priority junction to/ from Ravensthorpe Road at the north-western portion of the 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 (ITY11390-GA-002 Rev A).

Highways Site Context

- 10.17 Ravensthorpe Road can be classed as a local distributor road and it serves a number of residential properties along its frontage length. It is circa 8m in width, street lit and subject to a 30mph speed limit. Beyond its frontage, it provides access to commercial and industrial sites to the north. 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.

- 10.18 The existing access that provides vehicular access to the rear of 143-153 Ravensthorpe Road is currently un-adopted. Rear access to these properties does not appear to be maintained on the Masterplan. Ravensthorpe Road becomes Calder Road a short distance to the west of the proposed site access. Calder Road crosses the River Calder to the north-west before forming a signalised junction with the A644 Huddersfield Road. To the east of the site Ravensthorpe Road links to Forge Lane and Lees Hall Road via a 3-arm mini roundabout. Lees Hall Road again provides frontage access to residential properties along the majority of its length, is street lit and subject to a 30 mph speed limit. Traffic calming in the form of raised tables and speed cushions are located at intervals along the carriageway.

Policy

- 10.19 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

- 10.20 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

- 10.21 The submitted Transport Assessment (TA) provides a study of existing pedestrian infrastructure within the vicinity of the site with two pedestrian access points from Ravensthorpe Road shown as part of the indicative layout.
- 10.22 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.
- 10.23 Off-site highway improvements to the existing PROW network may be sought and expected. Details of design for access routes, crossing points etc. should be submitted and agreed at the relevant point(s) in the planning process.

Baseline Traffic and Survey Data

- 10.24 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 makes 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; and
- Huddersfield Road/Calder Road signal controlled junction.

Baseline Capacity Assessments

- 10.25 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.
- 10.26 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.
- 10.26 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

- 10.27 A full Personal Injury Accident Assessment for data from the most recent 5-year period (April 2011-September 2016) has been undertaken for the full study area. Highways Development Management 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 acceptable in that regard.

Access Proposals

- 10.28 The primary vehicular, pedestrian and cycle access to the application site is proposed via a newly created priority controlled T-junction to/from Ravensthorpe Road.
- 10.29 It is proposed to relocate the existing speed cushions in the vicinity of the proposed site access some circa 17m to the east. This is considered appropriate and acceptable in this regard.

Traffic Impact Assessment Methodology

- 10.30 The submitted Transport Assessment provides a sensitivity test assessment assuming a post 5-year assessment year of 2021.
- 10.31 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 located off Lees Hall Road is considered later.
- 10.32 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

- 10.33 iTransport's forecast vehicular trip rates per dwelling utilised within the assessment are: AM Peak – 0.479 (two way) and PM Peak – 0.508 (two way) movements per dwelling.
- 10.34 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.
- 10.35 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.
- 10.36 Equating the assessment 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

- 10.37 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.
- 10.38 The A644 Huddersfield Road/Calder Road junction has again been modelled using for both the 2016 and 2021 assessment scenarios. The results of the 2016 and 2021 assessment scenarios demonstrate that the junction would operate within its theoretical capacity limits.

- 10.39 Based upon the assessment results, Highways DM accept that the introduction of the proposed development would not result in a material impact upon the efficiency of the highway network in its own right.

Cumulative Impact Assessment

- 10.40 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)

- 10.41 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 on the highway study area.

- 10.42 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:
 - 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.

- 10.43 In summary, the proposed development and 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

- 10.44 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.
- 10.45 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:

- 10.46 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.
- 10.47 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'.
- 10.48 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.
- 10.49 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.

- 10.50 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

- 10.51 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.52 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Preliminary Geo-Environmental Investigation (dated April 2016, produced by Lithos), which accompanies this planning application. This forms the required Coal Mining Risk Assessment for this proposed development.
- 10.53 The Coal Mining Risk Assessment correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site is an area likely to have been subject to recorded shallow coal workings, unrecorded probable shallow coal workings. The site also contains 2 recorded mine entries and is underlain by thick coal outcrops. A surface hazard was also reported to The Coal Authority within the site.
- 10.54 The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information. Based on this review of existing sources of geological and mining information, the Coal Mining Risk Assessment acknowledges that this site is at risk from mining legacy. Accordingly, the Coal Mining Risk Assessment makes appropriate recommendations that intrusive site investigation works be undertaken to confirm ground conditions to enable appropriate remedial measures such as preparatory groundworks, specific foundation design and/or gas protection measures, if necessary.
- 10.55 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment in the Preliminary Geo-Environmental Investigation (dated April 2016, produced by Lithos); 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 prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the mine entries 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.

- 10.57 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
- 10.58 The Coal Authority therefore has no objection to the proposed development subject to the imposition of conditions.

Ecology issues

- 10.59 The submitted ecological information demonstrates that of the habitats present on site only hedgerows are of significant value. The site also supports, or is likely to support, wintering and breeding birds, hedgehog, brown hare and foraging bats. Impacts to these ecological features, as well as any other features identified as part of previous or future investigations, will need to be fully mitigated and this mitigation incorporated into any reserved matters application.
- 10.60 Given the ecological value of the site it is anticipated that any ecological impacts can be avoided, mitigated or compensated for. KC Ecology therefore supports the principle of residential development with the access as shown. However, conditions are recommended to ensure that ecological constraints and opportunities are fully integrated into the final scheme design. Other conditions, e.g. lighting design and/or construction method statements are likely to be required as part of any reserved matters permission.

Representations

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

11.0 CONCLUSION

- 11.1 The application site is part of a wider area of land allocated for housing in the Councils UDP (ref: H10.5) and as such the principle for housing has been established in policy terms. This is consistent with NPPF paragraph 14, which states that there is a presumption in favour of sustainable development and for decision taking this means, *'approving development proposals that accord with the development plan without delay.'*
- 11.2 The Council is also 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”.

- 11.4 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.
- 11.5 The proposed development provides new investment through the delivery of new homes that will meet demand in the area and address housing needs, alongside new job opportunities and generating additional expenditure.
- 11.6 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.
- 11.7 Weighing these considerations in the planning balance, together with the matters detailed in this report, Officers conclude that the development 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 limits
 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. Noise
 10. Coal mining legacy
 11. Ecology

Background Papers:

Application and history files

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94118>

Certificate of Ownership – Certificate B and Notice served.