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|  | <p style="text-align: center;">PLANNING SERVICES COMMITTEE</p> <p style="text-align: center;">COMMITTEE DATE: 16 JULY 2020</p> |
| | <p style="text-align: center;">Application Type: Outline Application</p> <p style="text-align: center;">Application Number: 19/02277/OUT</p> |

REPORT OF: DEVELOPMENT CONTROL MANAGER

WARD AFFECTED: PONTEFRACT SOUTH

**SUBJECT: TWENTY TWO (22) DWELLINGS INCLUDING ASSOCIATED WORKS
(OUTLINE INCLUDING ACCESS AND LAYOUT) AT Land Off Wakefield Road Town End
Pontefract WF8 4HW BY MR DUFFY, MR DUFFY & MR DAVIES C/O MR JAY EVERETT**

THE SITE

The application site comprises an area of land covering approximately 0.78 hectares, off Wakefield Road, close to the centre of Pontefract. The land is partially within the residential curtilage of The Priory which is now vacant. There are storage containers located to the west of the site and the remainder of the site is open land. The site was previously part of a sand quarry and the levels to the southern boundary rise steeply with the quarry face to the south west of the site. There are a number of trees within the site which are protected by a Tree Preservation Order and Friarwood and Button Park Conservation Area is located to the east together with a number of Buildings of Local Interest.

The site is located in a mixed use area with residential development directly abutting the northern and eastern boundaries. There is an area of woodland to the south and west of the site with allotments and further residential development beyond.

THE PROPOSAL

Background

Outline planning approval was granted 6 February 2014 for the development of 22no. dwellings on this site with a single point of access agreed from Wakefield Road (13/02705/OUT). Subsequent to that, full reserved matters details were approved on 10 October 2014 (14/01310/REM) giving the site the benefit of full permission for the clearance of the existing dwelling and commercial use and redevelopment with 22no. dwellings. It does not appear that this development commenced and the consent has since lapsed. .

The Scheme

The applicant is seeking outline planning permission for the construction of twenty two (22) dwellings and associated works (including access and layout) with matters relating to appearance, scale and landscaping reserved for future consideration.

The proposed development is upon land which hosts a number of mature trees which are subject to TPO, and would require the removal of these trees.

The proposal is broadly similar to that which was granted consent in 2014 with the main changes being the location of an area of public open space and also the house types which now propose less terraced properties and a greater number of semi-detached dwellings. The 2014 scheme also had a greater number of vehicular parking spaces to the front of properties.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Drainage Strategy (ref:- DR-C-0100RevP1)
- Micro Drainage Calculations (dated 26th November 2019)
- Transport Statement (ref:- 16-1104Issue 2)
- Ecological Appraisal (ref:- MBE/ECO/2018/22/01)
- Arboricultural Report (ref:- 1)
- Flood Risk Assessment (ref:- E19/7533/FRA001)
- Affordable Housing Statement (ref:- APC00092)
- Planning Statement (dated 23rd September 2019)
- Design and Access Statement (dated 20th June 2019)
- Geological Assessment (ref:- E13/5816/R001A)

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

- Drawings 3132-1-001-E & R/2305/1A relating to the layout and landscaping of the site
- Phase I Geo-environmental report (ref:- E13/5816/R001A)
- Viability Assessment in relation to affordable housing (received 6th December 2019)
- Drawing DR-C-0100revP1 (drainage strategy)
- Micro drainage Calculations (dated 26th November 2019)
- Email dated 23rd March 2020
- Arboricultural Impact Assessment (March 2020, revA)
- Drawing 002revA (Boundary Details)
- Drawing 001revM (Site Layout)
- Email dated 3rd April relating to construction in relation to trees to be retained
- Drawing 002 relating to vehicle tracking
- Drawing 19269-DR-C-0100revP1 relating to the drainage strategy for the site

Screening Opinion

The proposed development does not fall within any of the descriptions of development set out in Schedule 1 of the EIA Regulations 2017 (as amended). Within Paragraph 2 of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) urban development projects on a site of 1 hectare or more, and industrial estate development on a site of 5 hectares or more is development which is identified as being required to be assessed against the criteria set out within schedule 3 of the regulations to determine whether the development requires an Environmental Impact Assessment to be undertaken.

The proposed development is upon a site which is approximately 0.78 hectares in size. As such the proposed development falls outside the requirement for the LPA to undertake a screening opinion.

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

14/02376/FUL: Removal of condition 30 (affordable housing) pursuant to application 13/02705/OUT (Outline Application for 22no. Dwellings (access only) together with demolition of existing dwelling and removal of commercial uses): **Approved** 2nd April 2015

14/01310/REM: Residential development 22 no dwelling (reserved matters pursuant to outline approval 13/02705/OUT for appearance, landscaping, layout and scale): **Approved** 10th October 2014

13/02705/OUT: Outline Application for 22no. Dwellings (access only) together with demolition of existing dwelling and removal of commercial uses: **Approved** 6th February 2014

97/99/35257/A: Detached dwelling & new access: **Refused** 26th April 1999 for the following reasons:-

The proposed development with the resultant increase in turning movements at this location would cause disruption to the free and safe flow of traffic on the A645 Pontefract to Wakefield Road to the detriment of highway safety.

The proposal would prove contrary to the objectives of Wakefield Metropolitan District Council Unitary Development Plan policies E5 and E6 to the detriment of tree cover the subject of Wakefield Metropolitan District Council Tree Preservation Order No. 111.

This application was subsequently allowed at appeal (ref:- T/APP/X4725/A/99/1030655/P2) on 17th January 2000, although the consent was never implemented and has now lapsed.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's 'Publicity for Planning Applications' document (adopted September 2009).

The application has been publicised on the Council's website, by press advertisement and by site notice. The expiry date of the publicity period was the 30th August 2019.

[Note – The word 'letter' below should be taken to include hand-written letters, emails and online representations.]

Letters of Objection

Five objections have been received, including from local ward members, raising the following concerns:-

- Request the application is determined by the Planning and Highways Committee
- A brick boundary wall should be constructed to the boundary between the site and neighbouring occupiers.
- The proposal should be reduced in size / scale and with zero carbon homes.
- The development would impact upon protected trees.
- The drawings appear to encroach on to land under the ownership of neighbouring occupiers.
- The development should not compromise the ability to develop land to the side of no.29 Wakefield Road.
- Environmental Issues more important now than in 2013 when the outline application was granted.

- The proposal would increase traffic.
- The access to the site is restricted
- Traffic likely to have increased since the traffic survey was undertaken
- Pedestrian crossing near the site is not mentioned in the transport assessment
- The development would make for a busy and complex layout for pedestrians to have to navigate
- The development would be dangerous as a result of the access
- Air quality is already poor due to standing traffic on Wakefield Road, and the proposal would add to that problem.
- The site is of local importance for wildlife due to the variety of trees and shrubs which provide habitat.
- Large trees should be retained as they reduce the pollution created by traffic and enhance the amenity of the locality for the general public.
- The ecological report is out of date.
- Japanese Knotweed has been seen on this site.
- The development could lead to the spread of Japanese Knotweed.
- The development would not enhance the environment.
- Redline boundary is incorrect
- Buildings not shown within the site which exist already
- The site is not accessible from no.4 and should be included within the red line boundary
- The information submitted does not show surrounding developments
- Pontefract is in need of affordable housing and in 2020 the full 30% provision as required by local policy should be provided.
- Attention should be paid to responses of consultees
- Loss of trees would be regrettable
- Object to the use of timber fencing to boundaries with neighbouring occupiers
- Any arboricultural works to trees upon neighbouring land should be mutually agreed and funded by the proposal
- Impact upon wildlife

In addition to the above listed objections, a local ward member has requested the application be heard at the Planning and Highways Committee and has raised the fact there has been amendments to the road network in the locality, and there are identified problems with the road network in Pontefract.

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

Air Quality Management Team (WMDC) – No response received at the time of writing this report.

Arboricultural Team (WMDC) – Does not support the proposed development, recommends condition in the event of any grant of permission

Coal Authority – No objection

Conservation Officer (WMDC) – No objection subject to conditions

Drainage Section (WMDC) – No objection subject to conditions

Land Quality Team (WMDC) – No objection subject to conditions

Environmental Control (WMDC) – No response received at the time of writing this report.

Highways (WMDC) – No objection subject to conditions

Parks and Public Realm (WMDC) – Requests loss of trees is mitigated on site or alternative local location.

Strategic Housing (WMDC) – No objection subject to S106 agreement

Wakefield District Badger Group – No objection

West Yorkshire Combined Authority – Recommends contribution provided

Wakefield Biodiversity Group – No response received at the time of writing this report.

West Yorkshire Archaeology Service – No objection

West Yorkshire Ecology – Requests further information

West Yorks Geology West Yorkshire Geology – No response received at the time of writing this report.

West Yorkshire Police Architectural Liaison Officer – No objection subject to conditions

Yorkshire Water – No objection

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

ALLOCATION AND POLICIES

Within the Council adopted Community Infrastructure Levy document and associated maps the site falls within a medium charging zone, which is subject to a chargeable rate of £24.65 per square metre.

The site is located within the urban area of Pontefract in the Council's adopted Site Specific Policies Local Plan. The Friarwood and Button Park Conservation Area (CA29) abuts the site to the eastern boundary and there is a row of Locally Listed buildings (BLIs) within the Conservation Area to the east of the site. There is a Tree Preservation Order on the woodland to the rear of the site. The site is in an Air Quality Management Area, a mineral safeguarding area and a Coal Authority Standing Advice Area. The site is also located in an area where there are records of bats.

The Site Specific Policies Local Plan also includes Policy SSP1 regarding the presumption in favour of sustainable development. In this regard the plan is not out-of-date or silent with regards to this proposal and therefore the development plan must be afforded full weight.

The application site is located adjacent to a Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to

have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.

The following policies and guidance are considered to be relevant to the current proposal:

Local Development Framework Core Strategy

- CS1 Location of Development
- CS3 The Scale and Distribution of Additional Housing
- CS4 Sustainable Transport
- CS5 Community Facilities and Services
- CS6 Housing Mix, Affordability and Quality
- CS10 Design, Safety and Environmental Quality
- CS13 Mitigating and Adapting to Climate Change & Efficient Use of Resources
- CS14 Influencing the Demand for Travel

Local Development Framework Development Policies Document

- D7 Protection of Trees and Woodland
- D9 Design of New Development
- D12 Landscape Design
- D14 Access and Highway Safety
- D15 Safety and Security through Design
- D18 Development Affecting Historic Locations
- D20 Pollution Control
- D22 Contaminated Land
- D24 Flood Risk
- D25 Drainage
- D27 Renewable Energy Generation Technology
- D28 Sustainable Construction and Efficient Use of Resources

Local Development Framework Site Specific Policies Local Plan

The Site Specific Policies Local Plan also includes Policy SSP1 regarding the presumption in favour of sustainable development. In this regard the plan is not out-of-date or silent with regards to this proposal and therefore the development plan must be afforded full weight.

Supplementary Planning Documents

Wakefield District Residential Design Guide: Parts 1 and 2

Supplementary Planning Guidance

Wakefield Council Street Design Guide (adopted 18 January 2012).

National Planning Policy

The National Planning Policy Framework (NPPF) (2019)

The National Planning Practice Guidance (NPPG) (2014).

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

The Conservation of Habitats and Species Regulations 2017

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

ASSESSMENT

Principle of Development

Introduction and Background

The NPPF (Paragraph 11) provides for a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the Development Plan should be approved without delay, but where the Development Plan is absent, silent or relevant policies are out of date, the local planning authority should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 2 and 47 of the National Planning Policy Framework.

The planning history and land allocation of the application site and the wider area has been previously detailed within this report.

The planning history of the site relates to the development of the site for residential development (detailed within the 'Planning History' section of this report).

The scheme would see a development of a similar size and scale to that previously granted outline consent upon the land and would entail the removal of trees, woodland and vegetation to enable the incorporation of the proposal.

The proposal is for the provision of housing and should therefore be assessed against Policies CS1, CS3 and CS4 of the Core Strategy which set out the principles against which the scale and distribution of additional housing will be determined. Guidance contained in the NPPF is also considered to be relevant.

Paragraph 14 of the National Planning Policy Framework (NPPF) states that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraphs 6-10 provide more detail on sustainable development and highlight the importance of balancing economic, social and environmental elements.

Policy CS3 confirms that the largest number of additional houses will be built in Wakefield, with smaller, but significant numbers in Castleford and Pontefract. Policy CS1 seeks to direct all new development to locations where it would accord with the established settlement hierarchy, in order to achieve sustainable development. Policy CS1 also makes reference to the sustainable use of land and the reuse of previously developed land in accordance with guidance contained in the National Planning Policy Framework (NPPF).

Policy CS4 emphasises the need to locate development in accordance with the spatial development strategy so that the need to travel is reduced and essential travel needs can be met by the use of transport modes other than the car. In the case of residential development, it should be within walking distance of essential local facilities and public transport services.

Policy CS1 gives priority to the use of previously developed land and buildings within the settlement for new developments, followed by suitable infill sites within the settlement, and finally sustainable extensions. The proposal site is located within the existing urban area of Pontefract in a mixed use area to the west of the town centre. The site is located off a main road into Pontefract within walking distance of public transport and has access to local services and facilities. The application site is partially vacant residential use (Priory house and its curtilage) towards the east of the site and the site is partially used for storage to the west. The remaining site is a former quarry that is predominantly woodland. The site is therefore considered to be a greenfield site within the existing settlement and it should therefore be a lower priority for development than previously developed land.

The NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. The Council can demonstrate a five-year supply of deliverable sites in accordance with the NPPF. However, at present the housing implementation strategy does not currently indicate an oversupply of housing in Pontefract which is one of the main settlements within the district and, together with Wakefield and Castleford, will be the main focus for new housing.

The NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. However, it is noted that the site is only partially residential curtilage and parts of the site are being used for storage, albeit only a limited proportion. The proposal is an outline application for the principle of building 22 dwellings on the site and, given the current use of the site, consideration should be given to the scale and density of the development and the impact of the proposal on the character of the area.

The density of the site would be approximately 28 dwellings per hectare (dph) which is less than the recommended minimum density of 40 dph for Pontefract in Policy CS3. Although the density of the site would be at a lower density than the suggested minimum, given the constraints on site in terms of the changes in levels and the protected trees on site, it is considered to be acceptable in principle. The existing residential development in the area comprises a mix of ages, styles and density and it is considered that a residential development could be designed that would be appropriate in terms of the character of the immediate area.

Although the application site is currently largely undeveloped and provides a green area close to the town centre and the current proposal would alter the character of the application site, it is considered that the increase in dwellings would not be out of character with the wider area, subject to achieving a design that would not adversely impact upon the protected trees to the rear of the site or the future viability of the woodland.

In view of the above comments, it is considered that the principle of 22 new dwellings on this infill site in Pontefract would accord with policies CS1 and CS3 and guidance contained in the NPPF.

The site is located close to Pontefract town centre and is within walking distance of the bus route and, given the scale of development, is considered capable of being accommodated

within the capacity of existing or proposed services, facilities and infrastructure in accordance with policy CS4.

It is concluded that the proposal accords with the aims of Policies CS1, CS3 and CS4 and the NPPF.

Housing Mix and Quality

Policy CS6 (a) states that the mix of housing within the development should contribute to the creation of mixed communities having regard to the existing mix of housing in the locality. The application has been submitted with a viability assessment which in summary sets out that due to the historic nature of this site and the site topography there are considerable abnormal costs associated with the development that reduce the project's viability. The assessment sets out that in this case the abnormal costs would relate to removal of knotweed, gas membranes to each plot, foundations required due to mine workings, retaining walls between plots, grouting of former mine shafts, surface water attenuation, service diversions, off site drainage connections, energy efficiency upgrades to meet the requirements of policy D27 of the Council's adopted Local Development Framework Development Policies Document, Tree management with removals and protection, site clearance and demolition and the cost of the Community Infrastructure Levy.

The submitted Assessment sets out that sales values are based on an independent market report prepared by local Pontefract agents Boultons dated 11th September 2019 giving the total gross sales income. The agents have noted on the valuation that to achieve these sales figures incentives would have to be offered in line within the National developers to include payment of SDLT (Stamp Duty Land Tax), legal costs and carpeting. The assessment takes an average cost of £3,000 per property to reflect this advice.

The overall conclusions of the assessment are that the development would offer a marginal return but deliverable provided that there is no requirement for Affordable Housing. Sales values are not considered to have increased since the previous grant of permission although building costs and other associated costs are considered to have increased by over 10% and therefore there is no justification for adding any additional burden beyond the cost of CIL which has already been factored into this appraisal.

The Council's Strategic Housing Team have requested that there is affordable housing provision in line with the Council's adopted policy (CS6).

The submitted viability assessment has been appraised by an independent consultant engaged by the Council. They have advised that they identify a total of £13,000 is available for the development to contribute towards the provision of Affordable Housing and maintain a development which would still be viable. The Council's Strategic Housing Team have confirmed that the provision of a commuted sum of the figure identified would be ring fenced for the provision of affordable housing within the district and could be achieved through a Section 106 (S106) Agreement.

The scheme proposes a mix of town houses (in terraced blocks of 3) detached dwellings and semi-detached dwellings. As such it is considered that there is a mix of housing type which would provide a suitable housing mix that is in character with that already offered within the locality.

A S106 Agreement has been drafted to ensure that the development would only be undertaken on the basis that there was a payment of a commuted sum to the Council for the figure identified as being possible to provide and maintain a viable development at the site.

Subject to entering into a S106 Agreement for the payment of a commuted sum of £13,000 the development is considered to be acceptable with regard to Affordable housing having regard to the aforementioned policy.

Drainage and Flood Risk

The site falls within flood zone 1 (areas at low risk of flooding) as identified by the Environment Agency and upon the Council's adopted Local Development Framework Strategic Flood Risk Assessment. Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework, the National Planning Policy Framework technical guidance document and policies D24 (flood risk) and D25 (drainage) of the Council's adopted Local Development Framework Development Policies Document are relevant.

The application has been submitted with a set of drainage calculations (dated 26th November 2019) which relate to a proposed drainage design for the development (drawing DR-C-0100revP1) which details all impermeable areas would total 3340m² and that to ensure a flow restriction rate for surface water drainage to the sewer to the north of the site an oversized 85m long concrete pipe would be installed beneath the access road to the site. Foul water is proposed to connect directly to the sewer to the north of the site.

Yorkshire Water have been consulted, stating that they have no objection to the proposed development subject to the inclusion of conditions which require the development is developed with separate foul and surface water drainage and requiring a scheme relating to surface water drainage to be agreed in writing by the Local Planning Authority (LPA) prior to the commencement of development. Within a further response they seek that discharge of surface water is to a local watercourse, however there is no local watercourse which could be reasonably discharged into without extensive works across third party land. The Council's Drainage Team have advised that they have no objection to the proposed development on the basis of the scheme which is put forward within submitted drawing DR-C-0100revP1.

Taking account of the response of Yorkshire Water and the Council's Drainage Team it is recommended that any grant of permission is subject to conditions requiring the submission of a scheme relating to foul / surface water drainage and surface water flow rates.

Whilst the submitted scheme appears to satisfy the requirements of the drainage arrangements from the site, given the further response of Yorkshire Water it is recommended that schemes are submitted to the LPA for final approval in writing to ensure that the rate of discharge to the sewer network is acceptable.

Subject to conditions the proposal is acceptable having regard to drainage / flood risk and the aforementioned policies.

Land and ground water conditions

With regard to land quality, paragraphs 170, 178 and 179 of the National Planning Policy Framework and policy D22 (contaminated land) of the Council's adopted Local Development Framework Development Policies Document are relevant.

The application has been submitted with an accompanying Phase I Assessment of land quality (ref:- E13/5816/R001revA) sets out that . The submitted assessment sets out that there has been little historical development in the immediate vicinity of the site although there has been quarrying and mining works on the site and to the south. The assessment also details there has been fly tipping and burning of materials on the site as well as an adit / shaft entry found upon the site, which is considered to relate to Basal Permean Sand workings. Asbestos is also noted to be present on the site within the report. The assessment considers there to be a moderate risk of ground contamination.

A Stage II assessment is recommended to be undertaken within the report which would include trial pits and soil sampling. The assessment also considers it necessary for bore hole investigation to be undertaken to confirm the depth and presence of shallow sand workings. Furthermore, the assessment identifies a risk of ground gas migration from fill material to the quarries / pits and gas monitoring is recommended to be undertaken.

The Council's Land Quality Team have been consulted regarding the proposal, and have stated that they have no objection to the proposed development, and recommend that any grant of permission is subject to conditions requiring a site investigation and remediation strategy.

Given the content of the submitted Phase I Assessment relating to Land Quality, and the response of the Council's Land Quality Team, it is considered that the proposal is acceptable in this regard, in accordance with the aforementioned policy, subject to inclusion of the recommended conditions.

Subject to conditions the proposal is considered acceptable with regard to land quality.

Land stability

Paragraphs 170 and 178 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

It is noted that Permian basal sands have been mined within this locality, and there is an entrance to an abandoned mine within the site.

The Coal Authority have been consulted on the proposed development and have confirmed they have no objection to the proposal. Notwithstanding, the land is within an area with known issues relating to land stability. As such it is recommended that any grant of permission is subject to condition requiring a scheme relating to the investigation of land stability and the intended mitigation for areas where land stability issues are encountered is submitted to the LPA for written approval.

It is recommended that the Coal Authority's standing advice is provided as an informative note with any grant of approval. As such it is considered that, subject to condition requiring a scheme relating to land stability to be submitted to the LPA for written approval, the proposal is acceptable with regard to ground stability in accordance with paragraphs 170 and 178 of the National Planning Policy Framework.

Air quality

Paragraphs 103, 170 and 181 of the National Planning Policy Framework, together with policy D20 of the Council's adopted Local Development Framework Development Policies Document require that proposals are consistent with the aims and objectives of local air quality action plans and are relevant within the consideration of this proposal.

The site is not located within an Air Quality Management Area (AQMA4).

Concerns relating to the impact of the proposal upon air quality have been received, detailed within the 'Representations' section of this report.

No details relating to the impact of the development with regard to Air Quality have been submitted. Notwithstanding this, it is considered that the LPA is still able to undertake an assessment of the impact of the development in this regard.

The Council's Air Quality Team have been consulted, although no response to consultation has been received.

The proposal would see an increase in vehicles accessing the site, with associated other vehicle movements which would come from 22 new dwellings in the locality. It is considered that overall air quality of the district should be taken into account within the consideration of this application and as such it is recommended that any grant of permission is subject to condition requiring submission of a scheme of electric vehicle charging infrastructure to be submitted to the LPA for approval to ensure there is incorporation of this infrastructure as part of the development.

Subject to inclusion of the recommended condition it is considered that the proposed development is acceptable, having regard to air quality, and accords with the aforementioned policy.

Environmental Design, appearance, landscaping and impact

Section 12 ('Achieving well-designed places') of the Government's National Planning Policy Framework document is relevant, together with policies CS10 (Design, Safety and Environmental Quality), D6 (wildlife habitat network), D7 (Protection of Trees and Woodland) D8 (landscape character), D9 (design of new development), and D12 (landscape design) of the Council's adopted Local Development Framework Core Strategy and Development Policies Document, which provide guidance on the design of new development.

Concerns relating to the impact of the proposal upon visual amenity have been received, detailed within the 'Representations' section of this report.

Context –

The proposed development would see dwellings within a locality which is characterised by dwellings of a variety of type, age and design although the predominant character is terraced properties approximately 100 years old (to the north and east of the site).

It is considered that residential development would therefore be in context with the character of the locality.

Site layout –

The layout of the site would see an access created from Wakefield Road with a number of smaller private drives created, the dwellings to the frontage would have vehicular access and parking to the rear such that the properties fronting Wakefield Road have an appearance which would be in character with that of the street.

There is parking to the side of a number of dwellings, although predominantly parking is either to the front or slightly separated from the dwelling to the rear or side.

With regard to space about dwellings distances, the proposed dwellings meet the requirements of the Residential Design Guide. Each proposed dwelling is considered to have a suitable level of usable amenity space and 75m² is provided for each property.

An area of public open space is proposed to the south eastern corner of the proposed development. This open space is within the corner of the development opposite the front of plot no.16 and the side of plot no 15.

The Council's Streetscene team initially stated they considered the level of public open space provision to be low and the area to be unusable. It is noted the proposed open space area has increased in size within the amended layout (Drawing 001revM) and would form a usable space which could be utilised by all residents of the development.

It is recommended that any grant of permission is subject to condition that requires the public open space area to be provided, retained and maintained for the lifetime of the development and that the public open space which is provided as part of the development is made available for use of the occupiers of all 22 plots of the development.

Subject to the proposed conditions it is considered that the overall site layout is acceptable.

Building design and impact –

The scale and appearance of the development are matters reserved for consideration at a later date. Notwithstanding this fact it is considered that as the layout of the development is being considered design principles would be set by the layout. The scheme has been amended to create a development which is less dominated by vehicular parking to the front of dwellings, provides a section of the site which is to be utilised as public open space and proposes boundaries which are a mix of brick walls and timber fencing.

Indicative boundary treatments have been submitted, with a number of boundaries close / adjacent to highways indicated to be constructed from materials which are brick / railings. It is considered that to be in keeping with the character of the locality the dwellings should be constructed from dark red brick and slate or dark grey slate effect tiles. Other design features such as similar window proportions and arrangements at the gutters should be incorporated to ensure the dwellings do not have a detrimental impact upon the locality having regard to the dwellings to the north and east of the site which bound the site to these boundaries.

It is considered that increasing land levels at site has the potential to have an unacceptable impact upon the character and visual amenity of the locality.

It is therefore recommended that any grant of permission is subject to conditions requiring schemes of boundary treatments, materials of construction and finished floor levels to be submitted and approved in writing by the LPA.

Subject to conditions, and taking account of the matters which are reserved for consideration at a later date, it is considered that the impact of the built form the subject of this application would be acceptable.

Landscaping –

Landscaping is a matter reserved for consideration at a later date. The submitted plans demonstrate that the majority of landscaping of the site would be within the garden areas of the dwellings other than an area of land to the south eastern corner which would see a number of trees retained and an area of public open space created.

The Council's Streetscene Team have been consulted and stated that the site contributes to the amenity of the locality with it serving as a green space close to the town centre. They recommend that mitigation is provided in the form of replanting upon the site, or by provision of tree planting off site.

It is noted that the development proposes 2 for 1 replanting in terms of tree cover across the site; this would be ensured as part of the determination of any reserved matters application(s) for landscaping.

It is recommended that any grant of permission is subject to condition requiring a landscaping scheme to be submitted to the LPA for written approval.

Subject to condition the development is considered to be acceptable in this regard.

Lighting –

The extent of the highway intended to be adopted is detailed within the submitted plans. Lighting would be required to enable this highway to be adopted and given the extent of the highway which is intended to be adopted it is considered that artificial lighting within the site would be acceptable given it would need to be implemented to the adopted sections of the road to adoptable standards.

Design conclusion –

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Suitably worded planning conditions could be imposed to ensure that outstanding details are submitted to and approved in writing by the Local Planning Authority. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Impact upon Trees and Woodland

Policy D7 of the Council's adopted Local Development Framework Development Policies Document seeks to ensure that trees and woodland are protected or replaced.

Concerns relating to the impact of the proposal upon trees and woodland have been received, detailed within the 'Representations' section of this report.

The application has been submitted with an accompanying tree survey, this sets out that 27 individual trees, 26 groups of trees, and one woodland were surveyed at the site. The report details that 9 trees, three groups and one woodland were categorised as moderate quality, 11 trees, and 17 groups were categorised as low quality, and 7 trees, and 6 groups were classed as unsuitable for retention regardless of the development proposals.

The report details that the proposal would require the removal of five moderate quality trees, five low quality trees, seven low quality groups, and part of three further low quality groups.

The report contends that the majority of the trees and groups that are proposed for removal are categorised as low quality or are considered unsuitable for retention regardless of the development proposals, and that the moderate quality trees were proposed for removal in order to construct the previous development that was granted an outline planning approval.

The report sets out that the site can accommodate new tree planting, both within the development area and within the woodland to the south and recommends that in order to ensure that construction of the development does not impact upon trees, no dig methods of construction and tree protective fencing should be used.

The previously approved scheme (2014 consent) proposed the retention of approximately 11 trees within the site. The proposal sets out within the submitted plans that the same amount of trees would be retained.

The TPO which is in place across the site is not specific to certain trees and covers the entire site.

The Council's Arboricultural Officer has confirmed he does not support the proposed development. Within his consultation response of 2nd April 2020 he advised that he acknowledged that several of the trees that have been identified for removal are trees that would be removed because they are low quality or for reasons of sound Arboricultural management. Whilst the revised landscaping scheme achieves replanting on a minimum

2:1 basis it will be many years before these specimens will provide the environment and amenity benefit. The outlook for the properties 29-61 will be irrevocably changed and that it will be many years before the mitigation planting will soften the development and have significant amenity value.

The Council's Parks and Public Realm Team have stated they do not require a contribution to local public open space provision on the basis of the size / scale of the scheme. They do request that mitigation is in place in terms of the loss of trees. It is considered this would be provided through imposing conditions that require the 2:1 replacement ratio being provided.

They further advise that in the event of any grant of permission they would wish to see conditions relating to protective fencing, non-storage of material within the RPAs (root protection areas) and structured landscaping.

It is noted that the site has benefited from consent to be developed for residential purposes before. Whilst the Arboricultural Officer does not support the proposal it is considered that the provision of further dwellings within Pontefract, and the proposed mitigation of replacement planting, weighs in favour of the development. Furthermore the proposal would see the retention of a number of existing trees and would see removal of a number of trees which could be removed due to their quality or reasons relating to management of the existing site.

It is considered that the layout of the proposal gives greater scope for re planting within the site, than the previous consent, within public areas / adjacent to the street and which would likely mature into larger trees without the pressure for pruning / cutting back from residents arising on the basis there is a greater distance between the proposed trees and the dwellings shown upon the indicative landscaping plan than that which was approved by the 2014 consent.

It is considered that in this case refusal of the proposal on the basis of removal of trees could not be substantiated and subject to inclusion of conditions relating to tree protection and landscaping, which require schemes to be submitted to the LPA for written approval, it is considered that the development is acceptable having regard to the aforementioned policy.

Subject to conditions, the development is considered to be acceptable in this regard.

Archaeology

Section 16 (Conserving and enhancing the historic environment) of the Government's National Planning Policy Framework document is relevant, together with policy D17 (Development Affecting Archaeological Sites) of the Council's adopted Local Development Framework Development Policies Document which set out the standards and criteria against which the Archaeological implications of the development are assessed

No details relating to the impact of the development with regard to archaeology has been submitted. Notwithstanding this, it is considered that the LPA is still able to undertake an assessment of the impact of the development in this regard.

West Yorkshire Archaeology Advisory Service initially raised queries relating to the former use of the site as a quarry and potential for artefacts to be present. However, upon further inspection of the site they have stated they have no objection to the proposal.

Taking account of the fact the sites former use as a quarry appears to have ceased a long time ago and the fact that the main works undertaken at the site would have been underground mining, it is considered that it would be unreasonable of the LPA to insist upon an assessment of the impact of the development in this regard being undertaken in this case.

It is therefore considered that the development is acceptable with regard to archaeology, in accordance with the aforementioned policy.

Conservation Area

Section 16 (Conserving and enhancing the historic environment) of the Government's National Planning Policy Framework document is relevant, together with policies CS10 (Design, Safety and Environmental Quality), D9 (a) (design of new development), D18 (Development Affecting Historic Locations) and policy D19 (Development Affecting Buildings of Local Interest) of the Council's adopted Local Development Framework Core Strategy and Local Development Framework Development Policies Document, which set out the standards and criteria against which the impact upon historic locations and buildings of local interest against which the development is assessed are considered of relevance together with Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 which requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

The submitted plans set out the layout of the site, and the type / mix of housing which would be constructed, this being semi-detached, detached and town house type dwellings.

The Council's Conservation Team have been consulted and have stated that the proposal lies outside the boundary of the Conservation Area although is adjacent to a Building of Local Interest (Mill Hill Road Terraced properties). They advise that particular attention would need to be paid to plots 1 – 2 and 18 – 22 which form the gateway of the development. They further advise that these plots have the potential to contribute to the street scene of Wakefield Road and boundary treatments should be carefully considered.

Taking account of the response of the Conservation Team and fact the appearance, scale and landscaping of the scheme would be reserved for later consideration it is considered that subject to conditions requiring the submission of boundary treatments and materials of construction to be approved in writing by the LPA, it is considered that the development would have an acceptable impact with regard to the setting of a Conservation Area and Building of Local Interest.

It is therefore concluded that subject to conditions the development accords with the aforementioned policy.

Access, servicing, parking and highway safety

Section 9 ('Promoting sustainable transport') of the Government's National Planning Policy Framework document is relevant, together with policies CS4 (sustainable transport), CS9 (Transport Network), CS14 (Influencing the Demand for Travel), D9 (f, g, h) (design of new development) and D14 (access and highway safety) of the Council's adopted Local Development Framework Core Strategy and Local Development Framework Development Policies Document, which set out the standards and criteria against which the highway implications of the development are assessed.

Concerns relating to the impact of the proposal upon access and highway safety have been received, detailed within the 'Representations' section of this report.

The submitted plans detail the intended extent of the roads to be adopted as part of the proposal. The application has been submitted with a travel statement which concludes the development proposals are acceptable in highways and transportation terms and there are no highways or transportation related reasons upon which a refusal of the planning application for the proposals would be justified.

The transport statement details that access to the site is proposed off Wakefield Road and would provide a 5.5m carriageway, 2m footways on both sides and visibility of 2.4m x 43m to the west and exceeds 2.4m x 43m to the east and the proposal would not have a severe impact on the highway network.

The Council's Highways Team have confirmed that on the basis of the further submitted information relating to turning facilities provided they have no objection to the proposal subject to conditions relating to the following:-

- Submission of a scheme relating to roads, footways and parking to be approved in writing by the LPA
- That works to the existing adopted highway are only undertaken by the Local Highway Authority.

Given the fact there are separate powers in place which can restrict / prevent works being undertaken to the adopted highway unless that has already been agreed by the Local Highway Authority it is considered that it is unnecessary in the instance of any grant of permission to require this condition upon any grant of approval.

West Yorkshire Combined Authority have provided comment regarding the proposal, stating that the site is located within the recommended 400m from the nearest bus routes that operate on Wakefield Road. They set out that bus availability for the site is considered to be acceptable and the size of the development is unlikely to change the bus route or frequency.

They further advise that the closest bus stop on this corridor (ref:- 18272) does not have a shelter and as part of this scheme, a bus shelter could be provided at the above named stop at a cost of £13,000 to the developer to improve the public transport offer. In addition they recommend that a real time Information display be provided at the bus stop at a cost to the developer of £10,000.00.

The Combined Authority further recommend that in order to access order to access bus stop 18272, safe and direct pedestrian links are required. They recommend the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. In addition to the costs of upgrading the nearest bus stop they recommend that a contribution of £11,011.00 for bus only Residential Metro Cards is secured to encourage sustainable modes of travel.

Taking account of the submitted assessment of viability relating to funds which are available for payment towards other matters, it is considered that it would be unreasonable of the LPA to insist upon these payments. Furthermore, the Council's Highways Team have not insisted these measures must be undertaken to ensure the development is acceptable, it is therefore considered the requirement for these payments requested by West Yorkshire Combined Authority do not meet the tests S106 agreements are required to meet.

Having regard to the nature of the scheme, response of the Council's Highways Team and the details submitted as part of this application it is considered that the proposal is acceptable with regard to access and highway safety in accordance with the aforementioned policy.

Amenity issues

Paragraph 180 of the National Planning Policy Framework and policies D9 (k) (design of new development) and D20 (pollution control) of the Council's adopted Local Development Framework Development Policies Document is applicable with regard to pollution control and the impact of development on health, environmental quality, and amenity.

The development would see 22 dwellings which would have suitable amenity space to allow the storage of bins to the rear other than plots 7 and 10 which would need to have bin

storage to the front. Given that the majority of properties could keep bins to the rear, it is considered that the development is acceptable in this regard.

With regard to amenity space provision, all the properties would have a private usable area of amenity space. The amenity space associated with each property is 75m² or more, which is in accordance with the recommended level of amenity space to be provided for new dwellings within the Council's adopted Residential Design Guide.

The submitted plans set out the distances of properties from one another and in relation to neighbouring residential properties. These indicate that the distances within the Council's adopted Residential Design Guide are largely met with the exception of plots 15 and 16 which do not meet the 21m distance in terms of both front elevations. Notwithstanding, as these elevations are off set and not directly facing one another it is considered that there would not be a significant level of overlooking created between these properties and the development is acceptable in this regard.

Construction noise and dust has the potential to have a detrimental impact upon the amenity of neighbouring occupiers. It is recommended that any grant of permission is subject to condition restricting construction hours to be between the hours of 07.30 and 18.00 Mondays to Fridays, and between the hours of 08.00 and 13.00 on Saturdays. Furthermore a condition requiring a scheme of dust control / mitigation measures during construction is also recommended. Subject to conditions the proposal is considered to have an acceptable impact in this regard.

On the basis there is no significant building up of land levels at the site, it is considered that the proposal would have not be unduly oppressive / overbearing to neighbouring occupiers. The proposed development is therefore considered to be acceptable in this regard.

Ecology, biodiversity and protected species

Paragraphs 170, 175, 176 and 177 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Concerns relating to the impact of the proposal upon ecology, biodiversity and protected species' have been received, detailed within the 'Representations' section of this report.

The application has been submitted with a preliminary ecological assessment which sets out that the woodland on site is considered to be of local level importance to nature conservation. The submitted assessment goes on to state that as the development would see a proportion of the existing broadleaved woodland remain, it concludes that mitigation and enhancement measures detailed in the assessment can be undertaken such that the development would not have a significant impact upon nature conservation and this could be limited to a site level negative impact only.

The proposed enhancements detailed within the submitted ecological assessment relate to the provision of bird boxes, bat boxes, sparrow boxes and hedgehog holes within the boundaries of the development to allow for the free movement of hedgehogs.

West Yorkshire Ecology advise in their initial consultation response that, having assessed the submitted ecological assessment, they consider that the development should lead to a net biodiversity gain of 10% in relation to that provided by the site already. They advise that if it is not possible to provide it within the site off site provision should be considered.

The response of West Yorkshire Ecology is noted, as is the content of the submitted ecology assessment and the contribution the site undoubtedly provides wildlife in terms of providing habitat.

The submitted landscaping as part of this application seeks a 2 for 1 replacement for any trees which are removed. On this basis the gain in relation to biodiversity has the potential to be considered to be a 50% increase upon that which is provided already, on the basis each replaced tree is replaced by two with one being of a different species to that being replaced.

The enhancements recommended within the submitted assessment, and landscaping which is suggested to be undertaken as part of the proposal can be secured by the inclusion of conditions that require the submission of specific details in this regard, which could control the spread and placement of bird and bat boxes as well as their number, and which could also ensure the provision of hedgehog holes within the boundary treatments.

West Yorkshire Ecology has not responded to further consultation about the scheme as it has been amended since that initially proposed, notwithstanding this fact taking account the amendments which have been proposed, the content of their initial consultation response and the fact enhancements / mitigation and landscaping can be achieved by the inclusion of appropriately worded conditions it is concluded that the development would have an acceptable impact upon ecology, biodiversity and protected species.

Subject to conditions the development is concluded to accord to the aforementioned policy and legislation.

Safety and Security

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 90 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policies CS10 (Design, Safety and Environmental Quality) and D15 (safety and security through design) of the Council's adopted Local Development Framework Core Strategy and Development Policies Document aims to ensure that new development contributes to creating safe and secure environments and reducing opportunities for crime.

No details relating to the impact of the development with regard to safety and security has been submitted. Notwithstanding this, it is considered that the LPA is still able to undertake an assessment of the impact of the development in this regard.

The West Yorkshire Police Architectural Liaison Officer has been consulted regarding the proposal, and has stated they have no objection to the proposal on the basis that conditions requiring the boundary treatments of the site and a scheme of safety / security measures to be incorporated are submitted to the LPA for written approval.

Taking account of the design and layout of the proposed scheme, and the response of the West Yorkshire Police Architectural Liaison Officer, subject to inclusion of the recommended conditions the proposal is considered to be acceptable in accordance with the aforementioned policy and legislation.

The proposal is therefore considered acceptable with regard to safety and security.

Mineral safeguarding

Policy CS16 of the Council's adopted Local Development Framework Core Strategy seeks to preserve and maintain an appropriate contribution towards the regional supply of aggregates, provide an adequate and steady supply of other minerals and protect resources within mineral safeguarding areas from development which would result in their sterilisation.

The site is located within a large, allocated mineral safeguarding area; however, the application site is within an urban area surrounded by other, similar, developments. In taking account of the location and scale of the site, together with the type and scale of the proposed development, it is considered that the proposal would not result in the sterilisation of a significant mineral resource and a refusal of permission on such grounds could not be substantiated. The proposal is considered to not undermine policy CS16 of the Council's adopted Local Development Framework Core Strategy.

Sustainability, climate change and renewable energy

National planning guidance within paragraphs 150 – 154 of the National Planning Policy Framework are relevant, together with policies CS13 (Mitigating and Adapting to Climate Change & Efficient Use of Resources), D27 (Renewable Energy Generation Technology) and D28 (Sustainable Construction and Efficient Use of Resources) of the Council's adopted Local Development Framework Core Strategy and Development Policies Document.

Concerns relating to the impact of the proposal upon the environment and that zero carbon homes should be developed, detailed within the 'Representations' section of this report.

Policy D27 of the Council's adopted Local Development Framework Development Policies Document states that *"In order to meet regional and district targets for renewable energy generation new developments of 0.5ha or more in site area, or 10 or more dwellings, or 1,000 square metres or more floor area for employment, commercial, leisure and community development will be required to incorporate on-site renewable energy generation technology unless it can be demonstrated that it is not technically feasible or financially viable, or there are demonstrable alternative decentralised renewable or low carbon energy sources"*. Policy D28 requires new development to be energy and water efficient.

The submitted viability assessment sets out that taking account of all constraints with regard to the development there is a £13,000 figure available for a contribution towards affordable housing.

In coming to this conclusion the submitted viability assessment lists abnormal costs which contribute to there being no potential for the provision of affordable housing. One of the abnormal costs which is listed is 'energy efficiency upgrades to meet WMDC requirements'.

Given the requirements of policy D27, and the fact that within the viability appraisal the requirements of the aforementioned policy was factored into the matters which contribute to the fact the development does not provide a 30% level of affordable housing as part of the development, and does in fact provide just a £13,000 contribution, it is concluded that the provision of on-site renewable energy measures which comply with the requirements of policy D27 and energy / water efficiency measures which comply with policy D28 can be incorporated as part of the development.

It is therefore considered reasonable and necessary to include a condition upon any grant of permission which requires that a scheme of renewable energy, energy saving and water saving measures to the LPA for written approval.

Subject to inclusion of the recommended condition it is considered that the proposal is acceptable in this regard in accordance with the aforementioned policy.

Community Infrastructure Levy

The site falls within the medium charging zone of the Council's adopted Community Infrastructure Levy, which means the proposed development is liable for a charge of £24.65 per square metre.

In the event of any approval, and approval of subsequent Reserved Matters application(s), the development would be liable for payment upon commencement of the development and the applicant would be contacted by separate cover in this regard.

Condition Notification

Section 2 of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the LPA to give notice in writing to the applicant that, if planning permission is granted, the authority intends to grant that permission subject to the pre-commencement condition specified in the notice.

The applicant was notified by email dated 7th April of conditions recommended to be included upon any grant of permission. No response confirming agreement or disagreement to the conditions has been received by the LPA.

Section 2 of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires that either the applicant does not provide a substantive response to the notice within the time limit specified (10 days), a substantive response or written agreement to the terms of the proposed pre-commencement condition is provided by the applicant / agent. It is therefore considered that the LPA can issue a decision in accordance with the aforementioned regulations.

Other Issues

Insofar as they are not covered elsewhere in the report, the following issues are addressed within this section:-

- The proposal should be reduced in size / scale and with zero carbon homes.
- The drawings appear to encroach on to land under ownership of neighbouring occupiers.
- The development should not compromise the ability to develop land to the side of no.29 Wakefield Road.
- Japanese Knotweed has been seen on this site.
- The development could lead to the spread of Japanese Knotweed.

The development is being considered on the basis of the plans and information submitted, and consideration of alternative schemes is not being undertaken as part of this application.

Without evidence of land encroachment, the submitted certificate of this application which sets out all land in the red line boundary is under their ownership is taken in good faith.

It is considered that the development would not prejudice neighbouring occupiers in undertaking redevelopment of their properties.

The presence of Japanese Knotweed is a matter which would be controlled by separate legislation and whilst a constraint for any developer to consider, it is considered to be a matter to which little weight can be afforded as a consideration which is material to the determination of this application. It is recommended that any grant of permission is subject to an informative note that draws the presence of Japanese Knotweed upon the site to the attention of the applicant / developer.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 2 and 47 of the National Planning Policy Framework.

Paragraph 11 of the National Planning Policy Framework states that 'so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development'. This guidance is reinforced with policy SSP1 of the Council's adopted Local Development Framework Site Specific Policies Local Plan.

The proposed development is considered to be acceptable in principle and, subject to the imposition of planning conditions, there are considered to be no technical reasons to withhold planning permission. In weighing together all relevant factors, the proposal is considered to constitute sustainable development as defined within the NPPF and policy SSP1 of the Council's adopted Local Development Framework Site Specific Policies Local Plan and is considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Conditional approval of planning permission is recommended.

RECOMMENDATION

Approve subject to the following condition(s) and reason(s):-

1. Standard Condition 01002B: Time limit outline permission - revised
2. Standard Condition 01001A: Time limit to submit reserved matters
3. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: - Landscaping, Scale and Appearance.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The development hereby approved shall be carried out strictly in accordance with the following approved plans and documents, but only in respect of those matters not reserved for later approval, as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions:

Plans -

Landscape Masterplan (ref:- R-2305-1A), Existing Layout (ref:- 3132-1-002), Location Plan (ref:- 3132-1-000), Topographical survey (ref:- 1665/001), Proposed layout (ref:- 3132-1-001-M), Proposed Access Arrangements (ref:- 001 Rev A) and Vehicle Tracking Drawing (ref:- 002).

Documents -

Application form (received 9th October 2019), Viability assessment (received 5th December 2020), Geological Documentation (ref:- E13/5816/R001A), Design and Access Statement (received 9th October 2019), Planning Statement (received 9th October 2019), Affordable Housing Statement (ref:- APC00092), Drainage and Flood Risk Assessment (ref:- E19/7533/FRA001), Arboricultural Report (ref:- 1), Ecological Survey (ref:- MBE/ECO/2018/22/01), Transport Assessment (ref:- 16-1104Issue 2), Arboricultural Report (ref:- March 2020 revA), Micro Drainage Calculations (received 11th December 2019), Drainage Strategy (ref:- DR-C-0100RevP1) and email dated 3rd April

Reason: For the avoidance of doubt as to what is authorised by this permission and in accordance with the National Planning Practice Guidance (Use of Planning Conditions, paragraph 022).

5. The development shall not be brought into use until a scheme which details all areas of public open space has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall detail the specific areas to be used as public open space, measures to ensure their availability for use by the public at all times and details of the continued maintenance of the areas of public open space set out within the scheme. The development shall not be brought into use until the scheme approved by this condition has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual and residential amenity to accord with policy D9 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

6. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.

Reason: A pre commencement condition is necessary to ensure that prior to the commencement of development adequate measures are put in place to ensure the provision of adequate and sustainable means of drainage to ensure that the development will accord with Policies D24 and D25 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

7. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate shall be restricted to the maximum flowrate of 3.5 litres per second. A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: A pre commencement condition is necessary to ensure that prior to the commencement of development adequate measures are put in place to mitigate additional flood impact to ensure that the development will accord with policy D25 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

8. Development shall not commence until a remediation strategy that includes the following components to mitigate the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

I. A site investigation scheme, based on the recommendations in the Phase 1 Geo-environmental Report [Haigh Huddleston, July 2013, Ref. E13/5816/R001A] to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

II. The results of the site investigation and the detailed risk assessment referred to in (I) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The approved remediation measures must be carried out in accordance with the approved strategy prior to the commencement of any development other than that required to carry out the approved remediation. Any changes to the components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: A pre-commencement condition is necessary to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with policy D22 of the Council's adopted Local Development Framework Development Policies Document, policy CS10 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

9. No part of the development hereby approved shall be occupied or brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with policy D22 of the Council's adopted Local Development Framework Development Policies Document, policy CS10 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

10. In the event that contamination is found at any time when carrying out the approved development, works must cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with best current guidance and practice, and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following the completion of the measures identified within the approved remediation scheme, a verification report must be prepared, submitted to, and approved in writing by the Local Planning Authority in accordance with the timescales set out within the approved remediation scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with policy D22 of the Council's adopted Local Development Framework Development Policies Document, policy CS10 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

11. Development shall not commence until the following has occurred in consecutive order:- (i) a scheme of further intrusive site investigation works has been submitted to and approved in writing by the Local Planning Authority; (ii) the intrusive site investigation works comprising the approved scheme have been undertaken; (iii) a report detailing the findings arising from the intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority; (iv) a scheme detailing any remedial works required has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority; and (v) the remedial works comprising the approved scheme have been implemented which shall thereafter be retained and maintained.

Reason: A pre commencement condition is necessary to ensure that prior to the commencement of development measures have been agreed which ensure that the site is, or can be made, safe and stable for the development to ensure that the development will accord with paragraphs 170 and 178 of the National Planning Policy Framework.

12. The development shall not be occupied until a scheme for the provision of electric vehicle charging point infrastructure has been submitted to and approved in writing by the

Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: To promote sustainable modes of travel to accord with Policies CS4 and CS14 of the Council's adopted Local Development Framework Core Strategy, policy D14 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

13. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of amenity to accord with policy D9 of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework.

14. Notwithstanding the submitted drawings, construction of the dwellings hereby approved shall not commence until details of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure materials which will have an acceptable visual impact have been agreed in the interests of amenity and to accord with policy D9 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

15. Development shall not commence until a Tree Protection Plan indicating the location and a specification of Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing of the erection of the Tree Protection Fencing and notified in writing that the tree protection plan has been implemented in accordance with the approved details. The approved protective fencing and measures shall be retained and maintained for the duration of the construction period.

Reason: A pre commencement condition is necessary to ensure trees are protected during the construction period, in the interests of visual amenity, and to safeguard the visual amenity provided by the trees on the site to accord with policy D7 the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

16. Development shall not commence until a scheme detailing the location, and method of works within all root protection areas relating to trees to be retained as part of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail measures to ensure there is no storage and vehicular parking within the root protection areas and the method of any works relating to excavation, construction or any other type of development to be undertaken within the identified root protection areas. Construction shall be undertaken in accordance with the approved scheme, which shall be retained and maintained for the duration of the construction phase of the development.

Reason: A pre commencement condition is necessary to ensure trees are protected during the construction period, in the interests of visual amenity, and to safeguard the visual amenity provided by the trees on the site to accord with policy D7 the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

17. Development shall not commence until a scheme detailing the finished slab and floor levels of the buildings hereby approved together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been

submitted to and approved in writing by the Local Planning Authority. The construction of the building(s) shall be carried out in accordance with the details so approved and the occupation of the building(s) hereby approved shall not take place until the works relating to the building(s) have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: A pre commencement condition is necessary to ensure that the finished floor and slab levels of the development have been agreed prior to the commencement of development to protect the amenity of local residents to accord with policy D9 of the Council's adopted Local Development Framework Development Policies Document, the National Planning Policy Framework, and the guidance contained within the Council's Residential Design Guide.

18. The development hereby approved shall not commence until a scheme relating to the means of pedestrian and vehicular access has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall detail all areas of highway intended to be adopted. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of works; details of the of the siting, design and materials of retaining structures to support the adopted sections of the highway plus any that are within 3.66m of the proposed adopted highway; details of all areas to be used for pedestrian and vehicular access and details of the surfacing to be used. The development shall not be brought into use until the means of access has been implemented in accordance with the approved scheme. The means of vehicular access approved by this condition shall be thereafter retained and maintained for the lifetime of the development.

Reason: To ensure an appropriate means of access is agreed prior to the commencement of development to accord with policy D14 of the Council's adopted Local Development Framework Development Policies Document, policy CS4 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

19. Development shall not commence until a scheme detailing proposals for renewable energy generation and sustainable construction and efficient use of resources, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the inclusion of on-site renewable energy generation technology or alternative decentralised renewable or low carbon energy services, energy and water conservation, and the use of sustainable construction methods and materials. The scheme shall identify the overall reduction in carbon emissions per annum which it is estimated will be achieved by the proposed measures. The approved scheme shall be implemented prior to the development hereby approved being brought into use and thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of mitigating and adapting to climate change to accord with Policies D27 and D28 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

20. The development shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The submitted scheme shall include details relating to (i) Provision of bat tubes, (ii) provision of bird boxes, (iii) provision of hedgehog holes within boundaries and (iv) planting of native species across the site. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.

Reason: To provide suitable ecological enhancement as part of the development to accord with policies D7 and D9 of the Council's adopted Local Development Framework Development Policies Document, policy CS10 of the Council's adopted Local Development Framework Core Strategy and the NPPF.

21. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include, as a minimum, details of the following:

- (i) Parking provision for site operatives and visitor vehicles;
- (ii) The location(s) for the loading and unloading of plant and materials;
- (iii) Proposed access routes for construction traffic and how such traffic will be managed;
- (iv) The location(s) for the storage of all construction plant, equipment and materials;
- (v) Wheel washing facilities and any other measures to prevent the transfer of mud and debris being brought on to the public highway;
- (vi) Contractors' compounds and storage arrangements for cranes and plant, equipment and related temporary infrastructure;
- (vii) The enclosure of the parts of the site associated with each phase of development and the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- (viii) Signage (types and location) for directing construction traffic;
- (ix) Access/egress by emergency vehicles;
- (xi) Measures to manage and minimise dust emissions;
- (xii) Measures to manage and minimise noise emissions;
- (xiii) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (xiv) Construction lighting (type and location).

All demolition, engineering and construction works must be undertaken in accordance with the approved CEMP(s) which must be fully implemented and adhered to throughout the construction phase(s) of the development.

Reason: This detail is required prior to development commencing on site in the interests of amenity and highway safety, and to accord with policies D9, D14 and D20 of the Council's Local Development Framework Development Policies Document.

22. Development (including demolition, construction, engineering and/or other operations) including works for site investigation and site preparation approved by this permission shall not commence until washing equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The washing equipment shall be fully operational and shall be used to clean all vehicles to ensure that they are free from mud and debris before they leave the site at all times during the carrying out of such works until its completion. Any mud or debris from the site which is deposited on to the highway during this period of works shall be removed immediately.

Reason: In the interests of access and highway safety to accord with policy D14 of the Council's adopted Local Development Framework Development Policies Document, policy CS4 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

23. Demolition, engineering and/or construction works shall not take place except between 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of the amenity of the occupiers of neighbouring properties and to accord with policies D9 and D20 of the Council's Local Development Framework Development Policies Document.

24. Throughout the demolition, ground engineering and/or construction phase(s) of the development deliveries shall not be taken at and/or despatched from the site (including the loading and/or unloading of delivery vehicles) except between 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays, and not at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of the amenity of neighbouring occupiers to accord with policy D9 of the Council's adopted Local Development Framework Development Policies Document.

25. The residential development hereby approved shall not exceed a maximum number of 22 dwellings.

Reason: For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development.

This recommendation is based on the following plans(s):-

| Plan Type | Reference | Version | Date Received |
|---------------------------------------|--|---------------------|----------------------|
| Landscaping Documentation | Landscape Masterplan | R-2305-1A | 19.12.2019 |
| Miscellaneous Support Documentation | Viability assessment | | 16.06.2020 |
| Confidential Miscellaneous Supporting | Viability Assessment | | 05.12.2019 |
| Existing Plans | Existing Layout | 3132-1-002 | 21.11.2019 |
| Geological Documentation | | E13/5816/R 001A | 21.11.2019 |
| Application Form | | | 09.10.2019 |
| Applicant/Agent Letter | Cover letter | APC00092 | 09.10.2019 |
| Miscellaneous Support Documentation | Residential/Dwelling Units - Supplementary information | | 09.10.2019 |
| CIL Additional Information Form | | | 09.10.2019 |
| Location Plan | | 3132-1-000 | 09.10.2019 |
| Miscellaneous Drawings | Topographical survey | 1665/001 | 09.10.2019 |
| Design and Access Statement | | | 09.10.2019 |
| Planning Statement | | | 09.10.2019 |
| Miscellaneous Support Documentation | Affordable housing statement | APC00092 | 09.10.2019 |
| Flood Risk/Run Off Impact Assessment | | E19/7533/F RA001 | 09.10.2019 |
| Arboricultural Report | | 1 | 09.10.2019 |
| Ecological Documentation | Ecological Appraisal | MBE/ECO/2 018/22/01 | 09.10.2019 |
| Transport Documentation | | 16-1104Issue 2 | 09.10.2019 |
| Site Plans | Proposed site layout | 3132-1-001-M | 23.03.2020 |
| Site Plans | Proposed access arrangements | 001 Rev A | 09.10.2019 |
| Miscellaneous Support Documentation | email dated 3rd April | Trees | 03.04.2020 |
| Drawing | 002 | vehicle tracking | 03.04.2020 |
| Arboricultural Report | March 2020 revA | | 23.03.2020 |
| Drainage | Micro Drainage Calculations | | 11.12.2019 |

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|---------------------------|-------------------|--------------------|------------|
| Documentation | | | |
| Drainage Documentation | Drainage Strategy | DR-C- 0100RevP1 | 11.12.2019 |

Case Officer: John Holmes 01924 30 6669