
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Dec-2016**

Subject: Planning Application 2016/92811 Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works Flockton Hall Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW

APPLICANT

Matt Burrow, Charles
Church (West Yorkshire)

DATE VALID

19-Aug-2016

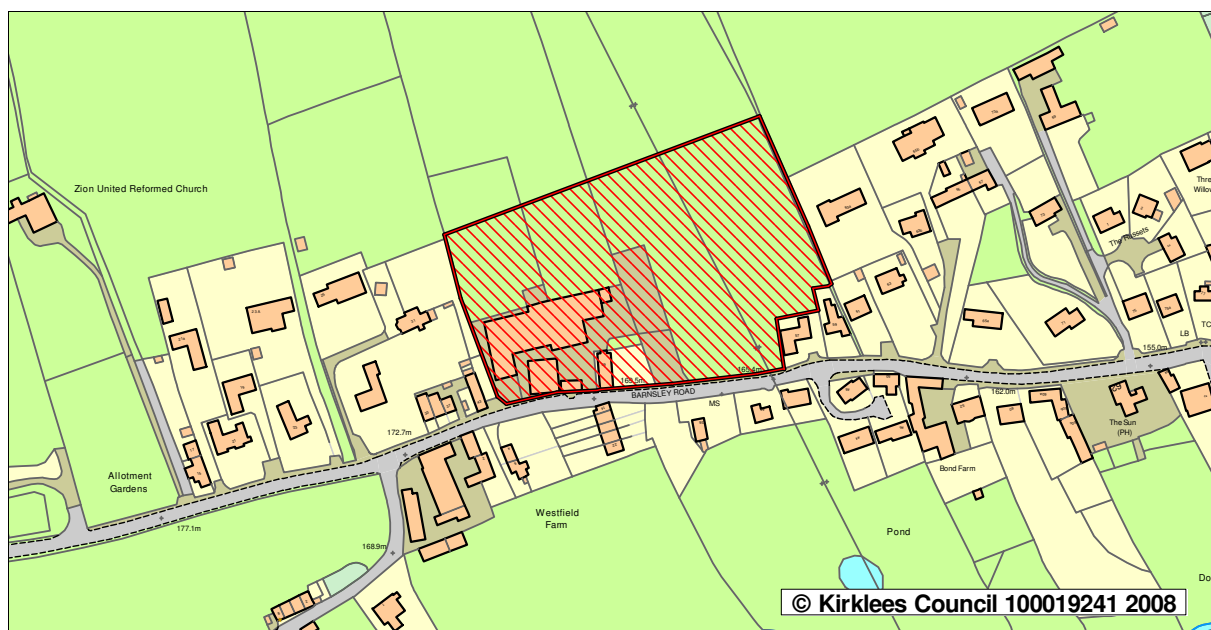
TARGET DATE

18-Nov-2016

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected:

Kirkburton

YES

Ward Members consulted
(referred to in the report)

RECOMMENDATION: Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:

- 1. Affordable Housing - 9 affordable houses, 5 for social rent and 4 intermediate**
- 2. Off-site Drainage Works**
- 3. Education**
- 4. Public Open Space - equipped POS off site within Flockton village**
- 5. Bus Shelter**
- 6. Metro Card Provision**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1** The application is brought forward to Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as:
 - The application site area is in excess of 0.5 hectares
 - Part of the site is allocated Provisional Open Land however, the number of dwelling proposed is below 60.

- 1.2 This application follows the refusal of previous application Ref 2014/94027 which sought permission for the erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works. The application was refused on the grounds that the design of the layout, which includes the provision of vehicular access for farm vehicles through the proposed housing development to access the retained farmland to the north, would result in conflict between agricultural vehicles and future residents. This would result in a detrimental impact on highway and pedestrian safety and to approve the application would be contrary to policy T10 of the Unitary Development Plan which stipulates new development will not normally be permitted if it will create or materially add to highway safety problems. The applicants appealed the decision but it was dismissed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site extends to approximately 1.6 hectares and primarily consists of two open fields and a collection of outbuildings and farm cottage. The fields are in use as farmland at present. Access into the site is currently taken from Barnsley Road.
- 2.2 To the north of the site are open fields, to the eastern boundary runs a public footpath (KIR/106/10) and in the south eastern corner are Nos. 57 & 59 Barnsley Road. Barnsley Road borders the site to the south and beyond this are a number of dwellings.
- 2.3 Along the western boundary is a row of stone cottages. The site is relatively flat and there are a number of protected trees close to the southern boundary.

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 46 dwellings. These are a mix of detached, semi-detached and terraced properties. The scale of the proposed dwellings would be two storey properties.
- 3.2 A number of the properties have integral garages; there are a number of detached garages and a car port area (which is close to the western boundary).
- 3.3 The proposed access point is via Barnsley Road, where there is an existing access point to the farm. The public footpath running along the eastern boundary is to be widened (and surfaced) to 3 metres.
- 3.4 The scheme also includes the provision of separate access along the western boundary to retain access to the remaining farmland to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2014/94027 – Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works.

Refused for the following reason: *The proposed design of the layout which includes the provision of vehicular access for farm vehicles through the proposed housing development to access the retained farmland to the north would result in conflict between agricultural vehicles and future residents. This would result in a detrimental impact on highway and pedestrian safety and to approve the application would be contrary to policy T10 of the Unitary Development Plan which stipulates new development will not normally be permitted if it will create or materially add to highway safety problems.* The Appeal was dismissed.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers entered into negotiations with the developer to:

- Secure a revised layout and revised access details for the farm track to enable appropriate sightlines and adequate turning.
- Secure revisions to the layout to address crime prevention matters
- On-going discussions have been taking place with regard to the highways and drainage matters. A revised plan has been submitted and Highways Development Management are satisfied with the proposals.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 – Development without notation
D5 – Provisional Open Land (POL)
BE1 – Design principles
BE2 – Quality of design
BE11 – Use of natural stone
BE12 – Space about buildings
T10 – Highway safety
T16 – Pedestrian routes

T19 – Car parking standards
 G6 – Contaminated land
 H1 – Meeting housing needs in the district
 H10 – Affordable housing
 H12 – Affordable housing
 H18 – Public Open Space
 EP4 – Noise sensitive development
 EP10 – Energy efficiency
 EP11 – Integral landscaping scheme to protect / enhance ecology
 BE23 – Crime Prevention
 R13 – Rights of way

Supplementary Planning Guidance / Documents:

- 6.3 Providing for Education Needs Generated by New Housing' (KMC Policy Guidance)

SPD2 – Affordable Housing

National Planning Practice Guidance on affordable housing.

National Planning Guidance:

- 6.4 National Planning Policy Framework.

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour letters, site notice and press notice expiring 30 September 2016. 18 objections have been received. The main concerns raised are as follows:

Highway Safety

- The tenant farmer has raised concerns he will be unable to turn right into the access if cars are at the traffic calming. The combine is rear wheel steer, the front wheels need to be on the right side of the road for the rear of the vehicle to make the turn and clear the wall opposite. If cars are waiting and the combine is waiting to make a turn the village will be gridlocked. Cars could not pass and cars behind won't be able to go anywhere. If a tractor and trailer is coming up the hill and cars were backed up at the traffic calming this would be the same. Leaving the entrance and turning right towards Grange Moor would be impossible as there are no sight lines for the neighbouring property.

- Concerns were raised in The Stage 1 Road Safety Audit June 2015, in particular concern that vehicles travelling westbound cross the centreline to negotiate the priority system, vehicles exiting to the left (and only looking right) may be met with an oncoming vehicle. Charles Church's response is irresponsible.
- The farm access compounds the risk and extends it to pedestrian and road users east and west of the chicane. There will be difficult manoeuvres for farm vehicles leading to congestion, and vehicles mounting the curb, to access the farmland or manoeuvre away from farm vehicles. The Transport Statement considers 'the development can be safely accessed'; There is a clear lack of research. Limiting a study area to a narrow section of the A637, Fore Consulting play-down the frequency and seriousness of road traffic accidents. Section 6.5 highlights a single accident in the five year period 2011 to 2015. Contrast that with four accidents recorded within half a mile, two fatalities. The accident 29 August 2016 occurred between the proposed access points. This was omitted from the Transport Statement.
- Concern about gridlock if the farmer wants to turn right onto the access given the turning circle needed. It is already difficult for the owner of 43 Barnsley Road as people ignore the keep clear marking.
- If the farmer re-joins Barnsley road and turns right the line of site past No.43 to the road will be blocked. Concern about machinery trespassing on third party drives. Cars from Huddersfield speed and are met by traffic calming. A slow tractor pulling in to their path will cause an accident.
- The road is not suitable to cater for 100 plus cars. The "No HGV's" sign is ignored and the pavement is mounted by large vehicles threatening pedestrian safety. There are serious and minor accidents especially in the chicane. The farming vehicles would create a hazard.
- A car over turned at the site where the road narrows near to the proposed access. Traffic is at a high volume at peak times.
- Concern that at an average of 3 cars per household the traffic will increase the incident /accident toll and impact on amenity.
- Manoeuvring a combine harvester will cause delays or accidents.
- The farm access would not be wide enough to accommodate the turning circle. Trying to exit, the view of traffic entering Flockton from Grangemoor would be restricted due to the layout of Barnsley Road.
- Large farm machinery and trailers will swing across both lanes of traffic. The entrance is at the narrowest part of Barnsley Road in proximity to the chicane.
- A new assessment is required to account for accidents.
- 46 dwellings would mean an additional 92 vehicles or more. Vehicles will be entering and leaving the A637 at school/rush hours morning and evening at the narrowest part of the road.
- Major incident on August Bank Holiday Monday (29th) which resulted in road closure and emergency services in attendance.
- There will not be a safe distance from the farmer's position in the cab when turning right out of the site. Third party land will need to be crossed.
- The farm access is inadequate unless there are two operatives to stop traffic. The access plan for a combine and trailer shows the width needed for such a movement and is based upon a road that has no traffic.

- The access is inadequate for 60 to 70 cars. The proximity to the 'pinch point' in the road and traffic lights will make it hazardous for vehicles exiting. Drivers approach at speed and someone turning right will be in danger. The width and maintenance of the pavement is inadequate and places pedestrians in proximity to moving traffic, especially HGV wing mirrors. It is impassable for a double buggy. The Transport Statement is inadequate.
- A number of fatalities and crashes have occurred by speeding vehicles, HGVs illegally entering the village, and poor sight lines of the chicane.
- Traffic causes major congestion. Additional vehicles joining and leaving the carriageway will add to this.
- Instead of slowing down some drivers speed up to avoid giving way at the pinch point. Vehicles have breached the garden wall of the adjoining property. A car travelling eastbound ended up on its roof.
- Traffic problems are exacerbated by un-policed HGVs. Additional traffic may result in more injuries or fatalities.
- Concern about children walking along to school. Parents may choose to drive creating additional congestion / parking problems and pedestrians at risk in the school vicinity.
- There would be chaos during construction, the movement of plant and heavy machinery, excavation to provide services.
- Parking facilities are inadequate and will result in vehicles being parked in roadways causing problems for emergency services.
- Vehicles travelling westbound will cross the centre line in the road to get through the pinch point and to ensure vehicles are visible to eastbound traffic.
- Moving street furniture to the back of the pavement will put pedestrians, parents with prams and wheelchair and mobility scooter users at risk as the pavements are narrow.
- Barnsley Road will be gridlocked if the Council does not reverse its objection to construction of a relief road.
- Kirklees should do a traffic assessment of the A637 through Flockton and the number of accidents which have occurred.

Impact on Amenities

- 3 applications under consideration (2016/92811, 2016/91158, 2016/93480) which account for 157 new homes - 7.85% of the annual target for Kirklees. This is a disproportionate number to the size of Flockton, and the Kirkburton Ward, contrary to the Option Spatial Strategy which states future development would be distributed proportionately according to the existing size of a place. The proposal does not carry an obligation on the developer to invest in new/improved services or infrastructure.
- Approval has been given for 87 new houses. The two developments may increase the population by 30-40%. Concern if existing utility services are capable of dealing with this increase, and whether school capacity has been considered.
- Concern there may be 60 to 80 additional children over a five-year period.
- Concern about limited infrastructure for children or adults. Concern about pressure on amenities including the medical surgery.

- In the Strategic Housing Land Availability Assessment (2013), the number of new housing units in the village could be as high as 953. Infrastructure issues should be addressed first rather than facing a problem later. The development will adversely affect the village and inhabitants. Urge Kirklees to pursue Section 106 Agreements to benefit village inhabitants.
- The proposal behind the working men's club (87 dwellings) and at the eastern end of the village (26) will impact on infrastructure. The school does not have the capacity for additional pupils.

Drainage

- The road in the village is often flooded due to run-off from surrounding fields. Construction of properties and tarmac roadways inevitably reduces the potential for rainwater to soak into the ground and this could mean the flooding problem may get worse and may have a serious detrimental effect on the properties on land lower down in the village. Flockton Beck has overflowed into properties on several occasions in recent years.
- Concern about inadequate sewerage system

Ecology

- Concern about loss of wildlife
- Although the bat survey does not seem to have found bats in the trees or properties on the site, there are significant bat populations nearby that feed in the area and will lose diminished feeding grounds.
- The boundary fencing does not seem to make any provision for wildlife corridors. Flockton has a diversity of bird life and hedgehogs. Their decline will be accelerated if unable to travel to forage.

Other Concerns

- The access is directly opposite 48 Barnsley Road which is below road level. Lights from vehicles shine in the kitchen.
- Concern about devaluing the village character by demolishing homes.
- Concern about loss of prime agricultural farmland, important agricultural buildings and infrastructure. The land is important regionally and nationally and this group of buildings is part of character of the village. Their loss will have a negative impact on the local built environment.
- Concern about the Council's advertisement
- Concerned about pollution from standing traffic and dust from construction. Kirklees should address the pollution problem in Flockton due to the amount of traffic on the A627.
- Lack about lack of parking at the GP surgery - The sun Inn used to provide parking but new tenants have put chains up.
- Query whether a mining survey has being submitted.
- Members of the planning committee should make a site visit
- Concern all assessments were carried out in 2014
- There is a potential impact on EP12 Power Lines.
- Concern about nuisance to residents form children using the Protected Open Land and the risk to public safety as it runs parallel to Barnsley Road.

Kirkburton Parish Council – The Parish Council strongly objects to this proposed development on highways grounds since the access has extremely poor sightlines, both for traffic exiting the development and that driving along Barnsley Road. There has been a serious accident in this area very recently, and is already documented as a dangerous stretch of road, with a high incidence of accidents.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – Following receipt of amended plans, the revised proposals are considered acceptable subject to the inclusion of conditions.

Yorkshire Water – The public sewer does not have capacity to accept any surface water from the site. SUDS should be considered, or discharging to watercourse.

The Environment Agency – No comments to make

The Coal Authority – No objections

8.2 Non-statutory:

K.C Environmental Services – No objections

K.C Arboricultural officer – The plan in the Arboricultural method statement needs to be updated. It is not possible to assess whether the trees can be protected during works.

K.C Ecology unit – No objections

K.C Flood Management – No objections

Crime Prevention – A number of security concerns to be addressed.

K.C Public Rights of Way – No objections

K.C Strategic Housing – An affordable housing contribution is required

K.C Parks and Recreation – Final comments will be reported to members in the update

K.C Education – A contribution of £130,987 is required.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The majority of the application site is allocated as Provisional Open Land (POL) on the Proposals Map. Approximately a fifth of the site (the south west corner where the existing buildings are located) is unallocated.
- 10.2 With respect to the POL allocation, Policy D5 of the UDP states that: *“Planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*
- 10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49. In the context of paragraph 215, the wording of Policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49, the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.4 The weight that can be given to Policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42): *“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

- 10.5 The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

Sustainability:

- 10.6 The National Planning Policy Framework (NPPF) states that the purpose of the planning system *“is to contribute to the achievement of sustainable development.”* (para 6). It further notes that pursuing sustainable development *“involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life”* (para 9).
- 10.7 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. *“Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”* (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development. The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services and potentially increasing the use and viability of local bus services. There will be a social gain through the provision of new housing at a time of general shortage, which includes affordable housing. The development of a predominantly greenfield site represents an environmental loss but compensating environmental gains may be possible through the imposition of conditions as advised by other consultees (including the provision of landscaping). Although national policy encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.8 In this case, assessing the policies in the National Planning Policy Framework as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this greenfield site is considered to be outweighed by the benefits to be gained from the provision of housing.
- 10.9 It is also noted that the location of the development means that it does not provide easy access to a full range of local services by sustainable means.
- 10.10 Similar observations were made by the Inspector for a recent appeal decision on a POL site in Netherthong (APP/Z4718/A/14/2219016 - Land off St Marys Avenue). In that case the Inspector noted the deficiencies in access to local services by sustainable means but *“having regard to the emphasis on growth within the Framework, and (having given) weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the*

contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car." The principle of development on the POL allocation is therefore considered to be acceptable.

- 10.11 The part of the site which is currently unallocated (the south western corner) is subject to the considerations of Policy D2 of the Unitary Development Plan (UDP) and this states *"planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]"*. All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2.
- 10.12 The loss of the existing farm buildings and its impact on the farming activity has been considered. The proposal incorporates access to the farmland to the north of the site and it is understood from the applicant that the current tenant farmer is moving to alternative premises in Flockton, but will continue to farm this land. It is therefore considered that this loss of buildings is acceptable. Taking the above into account, the principle of the development is considered acceptable.

Urban Design issues

- 10.13 The nature of surrounding residential development (which is to the east, south and west of the site) is mixed in character with some detached and terraced dwellings present.
- 10.14 Paragraph 58 of the NPPF states that planning policies and decisions should ensure developments, *"respond to local character and history, and reflect the identity of local surroundings and materials"*
- 10.15 A number of existing buildings are to be demolished as part of the proposals. These range in quality from the stone buildings to shed like agricultural buildings. Whilst the stone buildings are visually pleasing, they are not considered worthy of protection as non-designated heritage assets and therefore their demolition is considered acceptable.
- 10.16 The proposed residential development provides a mix of house types of a design and appearance that reflects the general character of the wider area.
- 10.17 This two storey scale of the houses proposed is considered acceptable in the context of surrounding development, which is largely two storey. The density of the development is considered to result in an acceptable layout from a visual perspective. The density equates to approximately 30 dwellings per hectare which will result in a development which results in efficient use of land, as noted above.

- 10.18 Slight variations in the building line are provided within the layout, along with some dwellings being orientated at 90 degrees to the majority of properties. This ensures that the proposal is not too linear as this can often lack visual interest. The site layout also ensures a good degree of natural surveillance throughout the site.
- 10.19 With respect to design, the proposed house types are all considered acceptable in respect of fenestration and proportions. The proposed materials for the dwellings are artificial stone with slate effect tiles. It is noted that stone is the predominant building material in this part of Barnsley Road and therefore it is considered that a good quality artificial stone is required – a condition can be imposed requiring a sample to be submitted for approval.
- 10.20 Paragraph 58 of the NPPF requires developments to “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*” The development has been assessed by the Council’s Police Architectural Officer. The PALO has confirmed that there are no concerns in principle, subject to some improvements to boundary treatments.
- 10.21 This relates to properties along the eastern boundary which border the public footpath, and those which border the farm access to the west. At present a 1.8 metre high fence is proposed but the PALO has requested that this is increased via the addition of 0.3 metre high trellis, with some natural surveillance of the footpath remaining. There is also concern about the proposed footpath between plots 7 & 8 which will create a narrow tunnel with no surveillance which needs to be gated at north ends with lockable gates. There is also concern about the isolated parking area to the rear of plots 5-9 and it is advised at the very least windows need to be included in the elevations of plots 10 and 21 to provide some surveillance.
- 10.22 The proposal layout has been amended and revised details of boundary treatment submitted. The PALO has been reconsulted for comments.
- 10.23 It is considered that the proposed development is acceptable in relation to visual amenity and the proposals accord with Policies BE1, BE2 and D2 of the Kirklees UDP, as well as the aims of chapters 6 and 7, in this regard.

Residential Amenity

- 10.24 In assessing the impact of the development on surrounding dwellings, Policy BE12 of the UDP is considered relevant. This recommends 12 metres between existing habitable rooms and proposed non-habitable room windows and 21 metres between existing habitable rooms and proposed habitable room windows.
- 10.25 There are no existing dwellings to the north of the site. The proposed dwellings with habitable room windows facing the northern boundary are approximately 10.5 metres from the site boundary. This is in accordance with Policy BE12 in respect of separation to the boundary with undeveloped land.

- 10.26 To the east, the only plot with a direct relationship to an existing dwelling is No. 45 and a separation distance of 22.5 metres is achieved, which is compliant with Policy BE12.
- 10.27 To the southern boundary, there are no direct relationships between dwellings with habitable room windows and existing properties (across Barnsley Road) with habitable room windows.
- 10.28 To the west, No. 43 Barnsley Road is located close to the boundary of the site. In order to comply with Policy BE12, the closest plot (No. 8) is approximately 19 metres from the side elevation of No. 43. Although No. 43 has habitable room windows in this elevation, it faces the side elevation of Plot 9 which does not contain any habitable room windows (this can be controlled by condition) and therefore complies with Policy BE12.
- 10.29 With respect to the potential for overshadowing and overbearing impact, it is considered that the development will not be detrimental in this regard, given the separation distances to adjacent dwellings and the fact that the dwellings are two storey.
- 10.30 It is also noted that some of the plots internally do not meet the requirements of Policy BE12; however the general internal layout is considered acceptable as it secures an appropriate density (approx. 30 dwellings per hectare).
- 10.31 Concern has been raised in a letter of objection in respect of the potential for car headlights (when leaving the site) to impact upon the amenity of occupiers of No. 38 Barnsley Road. Whilst this is an existing access point, it is acknowledged that the proposed development would result in intensification of use of this access. However, given that it is the side elevation of this property that faces the site (rather than one containing main habitable room windows) it is considered that the development would not give rise to a level of harm sufficient to substantiate a reason for refusal.
- 10.32 It is considered that residential development in this area (which is predominantly residential in nature) is appropriate and the development accords with Policies D2 and BE12 of the Unitary Development Plan.

Landscape issues

- 10.33 The Council's landscape architect has been consulted with regard to the proposals. To date no comments have been received. However, comments shall be reported to members in the update. It should be noted that during the course of the previously refused application, an off-site contribution was considered acceptable by officers.
- 10.34 The Council's arboricultural officer has requested that the Arboricultural method statement is updated. It is not possible to assess whether the trees can be protected during the works. This information is awaited.

- 10.35 The Council's ecologist has reviewed the ecological information, including the ecological appraisal and bat reports. The reports indicate that the habitats on site are generally of low ecological value, that no bat roost are present and that the list is only used as foraging habitat by low numbers of bats. However the report also indicates that an outbuilding on site is used as a nest site by approximately 10 pairs of swallows. This is a reasonable population and compensation should be included for its loss. The ecologist raises no objection subject to further detail on mitigation and enhancement. This can be addressed through condition.

Housing issues

- 10.36 The proposals would provide residential development in a sustainable location.

Highway issues

- 10.37 The application is supported by a Transport Statement which describes the existing transport network, outlines how the development will be accessed and provides an estimate of the likely traffic generation resulting from the proposed development.
- 10.38 The applicant has revised the farm access layout to accommodate sightlines and turning. The applicants have also provided two options to improve the current situation on Barnsley Road in relation to the Chicane. These include:

- Option 1: Retention of existing chicane.
- Option 2: Removal of the chicane and implementation of an alternative speed reduction scheme.

It is the opinion of officers that option 1 would be acceptable from a highway safety perspective.

- 10.39 Following negotiations, further amended plans have been submitted by the applicant. These have been assessed by HDM. The access points (the separate farm access and access to serve the residential properties which is considered, by officers, to address the previous reason for refusal and subsequent appeal) are considered acceptable, along with the overall layout in terms of off-street parking, servicing, and internal turning. The proposals are therefore considered acceptable from a highway safety perspective and would accord with the aims of policies T10 and T19 of the UDP, with the inclusion of conditions.

Drainage issues

- 10.40 The application is supported by a Flood Risk Assessment and Drainage Strategy. Flood Management and Yorkshire Water have been consulted on the application and raised no objections in principle. The Environment Agency has no comments to make on the proposal.

- 10.41 Yorkshire Water note the public sewer does not have capacity to accept any surface water from the site. SUDS should be considered, or discharging to watercourse.
- 10.42 Flood Management note the principles of drainage were established under the previous application to include perimeter land drainage, the details of which can be conditioned.
- 10.43 Flood routing needs to be considered however, with regard to the new road layout. The submitted FRA mentions flood routing is recommended but nothing has been promoted. The agent has been requested to provide additional information with regard to this, the outcome of which will be reported in the update to Members.
- 10.44 Flood Management accept that infiltration as a method of discharging surface water is problematic on this site. In order to connect to watercourse, a 3l/s limited discharge to the Highway Drain in Barnsley Road in the 1 in 30 year storm events is agreed in principle. They are prepared to sanction a 5l/s discharge in the 1 in 100 year event with an allowance for climate change. The FRA suggests this in places but also mentions other figures. The statement above provides clarity. However this connection can only be sanctioned at such a time that the highway drain is considered fit for purpose. CCTV surveys suggest major defects on this line. To facilitate the development a contribution of £70,000 has been agreed to upgrade the highway drain for Kirklees to accept surface water volumes from the site. This work has to be managed carefully, it can only be carried out in the school summer holidays, and has to be completed before the site generates flows from hardstanding. Working on site without a connection will pose risk to existing properties and the highway. It is necessary to ensure therefore that the work is funded and planned for the times described as part of a phased programme that restricts the activity on site in order to manage run off risk until the essential work is completed. The work requires lowering existing levels as well as renewal. A fully worked off site scheme needs to be assessed with levels, depths, gradients and capacity at the earliest opportunity. Also there is a length off site surface water sewer to be constructed prior to the connection to the re-laid highway drain. The same restrictions will apply but it is not clear who will carry out this work. This too has to be carefully planned.
- 10.45 A scheme to protect existing property and infrastructure from increased run off post site soil and vegetation strip is required. This includes the protection of the site from clean run off from the fields to the north. This can be conditioned. It is suggested that a management company is set up under section 106 to ensure this happens until such a time that the drainage systems are adopted by the statutory undertaker.

Representations

- 10.46 The concerns that have been summarised in section 7 of this report have been addressed in the main assessment above.

Planning obligations

- 10.47 The development generates the following contributions:
- 10.48 **Affordable Housing:** In accordance with Policies H10 & H12 of the UDP and the guidance contained within SPD2, the provision of affordable housing is a material planning consideration. As this is a predominantly greenfield site, the contribution would normally be 30% of the total floorspace of the development. The applicant proposes to provide 9 affordable houses, 5 for social rent and 4 intermediate (which equates to 56% for social rent and 44% for intermediate). This would deliver 19% of the number of units, 11% of floorspace as affordable housing.
- 10.49 **Public Open Space:** Policy H18 of the UDP requires the provision of POS on sites put forward for housing development which are over 0.4 hectares. Policy H18 would require a provision of **1410 sq m** of POS within the development. The proposal includes an area of POS, adjacent to Barnsley Road, which would accommodate protected trees to the boundary of the site. In lieu of an equipped provision on site a commuted sum shall be sought to improve existing equipped POS off site within Flockton village.
- 10.50 In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it generates. In order to satisfy a shortfall in additional school places generated by the development (in respect of Flockton First School and Scisset Middle School), a contribution of shall be sought.
- 10.51 The applicant submitted a viability appraisal in support of the previously refused application. This was independently assessed on behalf of the Council and the conclusions of the viability appraisal were accepted by the Council's consultant.
- 10.52 The proposed offer remains the same, it is reasonable for the Council to rely on the independent assessment of the appraisal already undertaken.

Other Matters

- 10.53 **Contaminated Land:** The Council's Pollution & Noise team has been consulted on the application and have considered the submitted Contaminated Land report.
- 10.54 The submitted information is considered acceptable and there are no objections subject to imposition of standard contaminated land conditions.
- 10.55 Subject to these, matters in respect of contaminated land can be satisfactorily resolved, in accordance with Policy G6 of the Unitary Development Plan and Chapter 11 of the NPPF.

- 10.56 **Land Stability:** As the application site lies within a Coal Mining Referral Area, the Coal Authority has been consulted on the application. The applicant has also submitted a Phase I Geo-environmental report and this details that intrusive site investigation works should be undertaken prior to development, to establish coal mining legacy issues on site.
- 10.57 The Coal Authority has confirmed that it has no objections to the proposals subject to a standard condition requiring these investigation works.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Standard time limit for implementation (3 years)
2. Development to be in accordance with approved plans
3. Samples of facing and roofing materials to be inspected and approved
4. Provision of electric charging plug-in
5. Biodiversity Management and Enhancement Plan
6. Submission of a Phase II Intrusive Site Report
7. Remediation Strategy Report
8. Remediate to be carried out in accordance with the Remediation Strategy Report
9. Validation Report
10. Development to be in accordance with the Flood Risk Assessment
11. Construction management plan

Background Papers:

Application and history files.

Website link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92811>

Certificate of Ownership – Certificate B signed.

Notice has been served on:

1. Carter Jonas c/o Thomas Davies (David William Pedley, Allan James Davies, Andres David Wrigglesworth Saville Estates Office), 32 The Town.