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**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 27-Apr-2017**

**Subject: Planning Application 2016/93688 Erection of 97 dwellings along with associated access, drainage works, landscaping and public open space Land to the south of Burton Acres Lane, Highburton, Huddersfield, HD8**

**APPLICANT**

Redrow Homes

**DATE VALID**

02-Nov-2016

**TARGET DATE**

01-Feb-2017

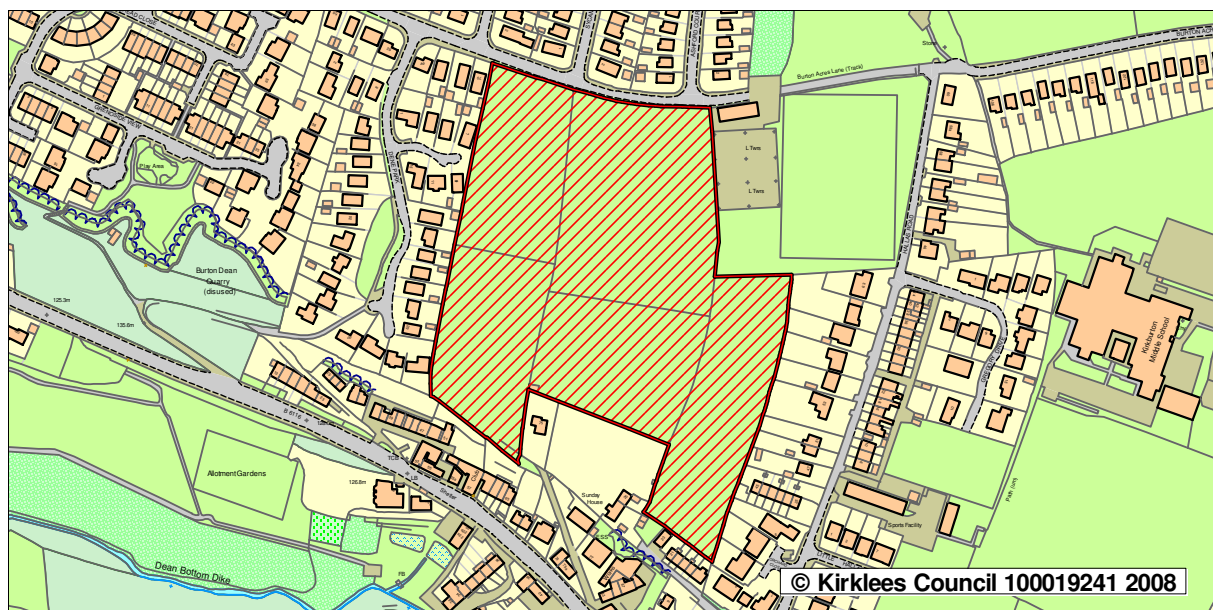
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected:**

**Kirkburton**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those referred to within this report and to secure a S106 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum (£89,000) and future maintenance and management responsibilities of open space within the site
2. 20% of total number of dwellings to be affordable with a tenure split of 55% being Social Rented and 45% being Sub Market
3. Delivery of affordable units within the first two phases of development (13 units within phase 1 and 6 units within phase 2)
3. £233,115 towards Education requirements arising from the development
4. Provision of Metro Cards & bus shelter upgrade (£33,820)
5. Future maintenance and management responsibilities for the drainage infrastructure

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 Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation because the development represents a departure from the provisions of the Unitary Development Plan because the site is allocated as Provisional Open Land (POL) where the development exceeds 60 residential units.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises of approximately 3.7 hectares of open fields divided by drystone walls. The land slopes down from Burton Acres Lane towards the south. The northern part of the site has a very gentle slope which increases significantly at the southern extent of the site where the land then falls away.
- 2.2 The site is surrounded by residential development of mixed age, type and design. There is a tennis club to part of the eastern boundary and further to the east is Kirkburton Middle School. To the north east is a recreation ground (Gregory Playing Fields).

## **3.0 PROPOSAL:**

- 3.1 This is a full planning application for the erection of 97 dwellings.
- 3.2 The scheme is for a mixture of detached, semi-detached and terraced properties.
- 3.3 The proposal comprises a mix of 2, 3 and 4 bed dwellings. All dwellings are two storeys in height and proposed to be constructed in brick and render with a concrete roof tile.
- 3.4 Access to the site is via a single priority junction off Burton Acres Lane. A small number of the properties along the site frontage have direct access onto Burton Acres Lane.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 None

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 The proposals have been subject to a formal pre-application enquiry which has informed matters of layout, design and highways.
- 5.2 Amendments to highway layout and minor design and landscaping amendments have been secured during the course of the application.
- 5.3 Negotiations have been undertaken in respect of the proposed drainage scheme and affordable housing provision.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation

19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is allocated as Provisional Open Land.

Relevant UDP policies:

BE1 – Design principles  
BE2 – Design of new development  
BE12 – Space about buildings  
BE23 – Crime prevention  
D5 – Provisional Open Land (POL)  
D6 – Land adjoining green corridor  
G6 – Land contamination  
H10 – Affordable housing provision  
H12 – Ensuring affordable housing remains affordable  
H18 – Provision of public open space on sites over 0.4 hectares  
EP4 – Development and noise  
EP11 – Integral landscaping scheme to protect/enhance ecology  
T10 – Highway safety considerations  
T16 – provision of safe, convenient and pleasant pedestrian routes  
T19 – Off-street parking standards

Supplementary Planning Guidance / Documents:

6.3 Manual for Streets (2007)

K.C. Policy Guidance: 'Providing for Education Needs Generated by New Housing'

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

Interim affordable housing policy (December 2016)

National Planning Guidance:

National Planning Policy Framework:

'Achieving Sustainable Development'  
'Core Planning Principles'

Section 6 – Delivering a wide choice of high quality homes  
Section 7 – Requiring good design  
Section 10 – Meeting the challenge of climate change, flooding and coastal change  
Section 11 – Conserving and enhancing the natural environment  
Section 12 – Conserving and enhancing the historic environment  
'Decision taking'

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Application advertised by site notices, neighbour letters and press advert.

7.2 Representations: 240 received and summarised as follows:

### Infrastructure

- Development of open, pastoral farmland
- Overwhelm all village infrastructure which is still suffering the huge strain new housing such as new housing on Moxon's mill site.
- Drainage, schools, GP surgeries, dentists, schools and the police would be put under even more pressure
- Highburton school as it is full already, as is Rowley Lane School
- The drains in the village often overflow particularly along Far Dene.
- 97 units(family houses) that potentially another 200 children to accommodate in already largely full schools, nurseries and GP surgeries.
- in need of a major review of our local infrastructure and amenities, with action to improve these before supporting any developments of this scale locally.
- routine appointment can take up to 4 weeks to book and emergency ones are generally not available the same day
- The addition of another 97 dwellings of mixed size could potentially add at least 350+ patients to an already oversubscribed practice. This could increase waiting times to 4 weeks
  
- Highways
  - Parking would be more of an issue as the driveways on the proposed houses would be facing Burton Acres Lane
  - Shop owners already have an issue with traffic congestion and parking in Kirkburton village now
  - Redrow had conducted a traffic survey along Far Dene. Surely any survey should be done independent of the company that proposes the development, to prevent any bias
  - Safety would be at risk as they would have to pass the proposed building site twice per day, with HGVs etc. passing on a very narrow lane.
  - Fire engines would struggle to pass along Burton Acres Lane into the if cars are parked on the lane as they do now.
  - The highways and water / sewage services are already under immense pressure
  - The whole site is accessed from Burton Acres Lane so this increase in traffic volume will have to go through the village. Access to main roads

is poor and limited at the moment and this development will exacerbate the issue.

- Redrow's peak hour traffic survey advises that this development will add 2 additional cars to the traffic exiting the village via Far Dene. I find this difficult to understand as there are no employment opportunities in the village
- At the peak evening time if trying to access Far Dene from Penistone Road by turning right in front of The White Swan, crossing the path of oncoming traffic is very difficult. Often the only way to turn right is to wait for the gap between the lights on Penistone Road turning red and the lights in Far Dene turning green
- The point at which access to the development is planned is the narrowest part of the road and is adjacent to the sports facilities and recreation ground.
- Access for emergency vehicles at this particular point would be difficult due to the narrowness of the road
- On a weekend this part of Burton Acres Lane is used as a place to park for players & spectators attending football matches on the Gregory Playing Fields. Parking along the road causes sightline issues for existing residents in the neighbouring streets without the added problems caused by additional traffic trying to exit a new development
- Burton Acres Lane is too narrow for such increased development and additional vehicles

### Character

- Merge Highburton and Kirkburton villages into one and each village will lose its separate identity and completely change the character of each village
- Highburton will no longer be a rural village but a mass of bricks and mortar
- People move to villages because they want village life, not to have big housing developments built to make it feel like an extension of the town centre
- What about the animals that are in the fields? Schools do outings around the village to these green belt areas to show the children these animals....what a shame if this has to stop
- This is a site visible from miles around and any development would be a 'blot on the landscape' if approved,
- Building such an over developed site in the catchment area of Kirkburton/ Highburton may not be viable and will have an enormous effect on the rural area
- With Burton Acres Lane being effectively a 'dead end', all traffic flows will be direct into the village centre then dispersed along a variety of routes
- Traffic numbers have also been grossly under-estimated with 64 and 73 vehicles numbers quoted for morning and afternoon vehicle movements from the estate

## Drainage/sewerage

- The drainage pumping station. I would trust this has enough capacity and back-up systems in the event of a power failure.
- Compensation and redress in the event of sewage/surface water damage will be required
- The existing network already has issues and in times of high rainfall when the sewers are unable to cope, there is a stress point on Far Dene that often leaks resulting in a flow of grey water down onto Penistone Road.
- With an increasingly wet climate there are drainage issues during periods of wet weather - removing fields will take away natural water drainage as well as increasing drainage demands from the proposed housing.

## General

- Layout there does not seem a lot of starter homes. I thought the government initiative was to help people on to the property ladder
- On appearance; why are the roofs so high? They seem out of proportion, unnecessary and overbearing
- The tennis club has an active membership and the floodlights are used during evenings and winter hours. Would restrictions be placed on the use of the floodlights if the application is passed?
- Development on this site has a negative effect on objective 14 – maximising opportunities to protect and enhance biodiversity & geodiversity. This is one of the few green spaces within the village and is currently used as grazing land. If this were to be removed there would be a loss of habitat for wildlife.
- Shopping facilities certainly could not cope with more vehicles and this would decrease the sense of community by forcing people to shop at places like Morrisons / Marks & Spencers
- The development of this land to the South of Burton Acres Lane will inevitably increase the level of noise and privacy in the area that I live. The proposed houses will be immediately above my back garden destroying my peace and privacy further, along with blocking the day light, particularly in the winter time when the sun is low, due to the buildings and proposed fences being on higher ground and above my home
- A happy community is a productive one which places less demand on public resource. Please allow for our village to remain just that and our supportive, proactive and productive community to continue
- Urge the Council to reject these current development proposals for this site and reconfirm either Urban Greenspace or existing Provisional Open Land status in the current Local Plan.

## **Kirkburton Parish Council:**

*“The Parish Council strongly objects to this proposed development on the following grounds:*

- It is important to ensure that development proposals cater for the needs generated, but there is no evidence this is the case with this particular application.*
- The local schools are already either full to capacity, or close to the limit.*
- The Health Centres already struggle to cope with the number of patients with the catchment area, so the situation will worsen if this amount of new housing materialises.*
- This piece of land is the last remaining wildlife corridor between Highburton and Kirkburton.*
- Following on from the above, it also serves to separate the two settlements, which have developed independently of each other and have their own characteristics. This development would merge the two villages to their joint detriments. This is contrary to National Planning Policy.*
- The road infrastructure cannot cope with the additional vehicle movements, which the planning guidelines underestimate.*
- The area acts as a ‘soakaway’, but even so, there are already drainage problems. If the land is built on the drainage situation will worsen, particularly on the main Penistone Road.*
- The access road would not be able to cope with emergency vehicles. Although the width of the road complies with guidelines, no account has been taken of the fact that the road almost always has a number of parked vehicles on it, reducing the available width. At weekends, sporting activities are often taking place on both facilities, which increases the number of parked vehicles considerably.*
- The amount of on-street parking, which is currently well used due to the location of the neighbouring sporting facilities, would be decreased due to the design of the drives and direct access.*
- It is also at the narrowest part of Burton Acres Lane.*
- Far Dene, which is the main route from Penistone Road, is extremely steep and in winter there are regularly accidents with cars sliding into parked vehicles and garden walls. This situation will worsen if the number of vehicle movements increase.*
- The highways survey was undertaken by the developer on one day only and at a quiet time of day. The Parish Council requests that the developer is required to undertake surveys at different times of the day, particularly including the peak times.”*

## **Ward members notified. Comments received from Cllr John Taylor:**

*“I would like to object to the proposal by Redrow Homes on this site for 97 houses. I do not support the development of the last remaining green field in this part of Highburton & the development of this site will effectively end the separation between the two settlements by infilling the last remaining space between the two villages. Kirklees has always looked to retain the character of the settlements in the more rural areas of the district and this proposal is*



*incompatible with that aim and should be sufficient grounds for the application to be rejected.*

*I also would like to object on the grounds of Highways and road safety. This development is at the end of a road which is blocked off by the Recreation Ground and blind lane and is an area which is already congested with traffic at weekends especially when the recreation ground, football Club and Tennis Club are all in use. There is little off road parking for people using the sporting facilities and currently park alongside the stone wall which surrounds these fields. The plan by Redrow would introduce not only an access road to the site, which would be near the end of the road but also drives to the properties which would abut Burton Acres Lane which would remove this car parking and so increase the congestion that already exists on this narrow road. As there is only one access for all of the existing properties on Burton Acres Lane and the cul-de-sacs off it this will increase the risks to pedestrians as well as other car users as they try to negotiate a very narrow space when the sports facilities are in use. At the very least, if the plan were approved the stone wall in its entirety, excepting for the road access onto the site, should be maintained to retain as much on road parking on Burton Acres Lane as is possible to reduce congestion. The planned properties which will abut Burton Acres Lane could easily be reversed so that they faced into the site and so maintained the on road parking, as the development at Grenoside and Birkhead Close does which is also on this side of Burton Acres Lane.*

*I am also unhappy with the types of properties which are being built and the lack of smaller starter homes and affordable houses. Kirkburton does not have a shortage of 4 or 5 bedroom properties but does have a shortage of smaller properties which would be suitable for first time buyers and I would like to see an increase in starter homes on this site if the Council does decide that it will proceed with the build.”*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways** – No objections subject to conditions

**KC Flood Management & Drainage** – Pumping of foul and surface water as proposed is the least preferred option. Recommend further exploration of a gravity connection to main sewer.

**The Coal Authority** – No objections subject to conditions

### **8.2 Non-statutory:**

**KC Environmental Services** – No objections subject to conditions

**KC Trees** – No objections subject to condition

**KC Conservation & Design** – No objections

**KC Ecology Unit** – No objections subject to conditions

**KC School Organisation & Planning** – £233,115 contribution to first and middle school places in the local area requested

**KC Strategic Housing** - 20% of dwellings are advised for affordable allocation in accordance with the interim affordable housing policy

**KC Landscaping** – Policy compliant on site POS provided. Contribution towards the upgrade of existing play facilities within the vicinity of the site is appropriate in lieu of on-site equipped play provision.

**Yorkshire Water** – No objections subject to condition

**Environment Agency** – The application is outside of the scope of development on which the EA comments

**West Yorkshire Police Architectural Liaison Officer** – No objections but recommendations made regarding security of specific elements of the development and in relation to ‘Secured by Design’ advice

## 9.0 MAIN ISSUES

- Principle of development
- Urban design and heritage 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 application site comprises a Provisional Open Land (POL) allocation in the Council's UDP.
- 10.2 The site is allocated for housing in the draft Local Plan under housing allocation H313.
- 10.3 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.”

- 10.4 Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.
- 10.5 The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.
- 10.6 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.
- 10.7 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):
- 10.8 “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.”
- 10.9 NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.
- 10.10 Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.
- 10.11 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the*

*planning system*" (paragraph 8). The 'economic' role includes providing support for growth and development requirements, while the 'social' role states the need to support communities by providing housing to meet the needs of present and future generations.

- 10.12 As such, in the absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the Framework taken as a whole, the principle of developing this site is acceptable.

#### Urban design & heritage issues

- 10.13 The scheme is for a mixture of detached, semi-detached and terraced properties comprising of twelve different house types. There is a row of properties along the site frontage with the remainder set around two estate roads and sections of shared driveways. The estate roads are connected by a length of shared driveway. Public open space is provided in the southern part of the site and within an area roughly in the middle of the site.
- 10.14 The site lies within a suburban area and adjoins the built-up parts of Highburton and Kirkburton. The development would infill an area of open land that lies between two areas of established housing. Whilst the development would reduce the open character of this area it is not considered that the localised impact of this would outweigh the wider benefits of the scheme, including the delivery of new housing on land that is allocated for housing in the draft Local Plan. There is also a substantial area of urban greenspace adjoining the site (retained as such in the draft Local Plan) as well as tangible areas of public open space within the development and this helps to maintain a sense of openness within the built environment.
- 10.15 The existing residential development within the surrounding area is of mixed age, type and design with a varied material palette. There is not a predominant building style and materials include artificial stone, brick, render and natural stone. The design of the houses is considered to be acceptable and would sit comfortably within the site's context. Facing materials are proposed as two different types of red brick and red and grey concrete tiles to the roofs. It is considered that the materials would harmonise in this setting.
- 10.16 There is a drystone wall along the site frontage and this would be rebuilt at the back of the new footway and would form the return to the new access. This helps to maintain some of the existing character of the streetscene.
- 10.17 The Kirkburton Conservation Area lies immediately to the south of the site and consideration of the impact on its setting is a material consideration. The site is set up substantially from the Conservation Area with proposed open space and some existing residential development separating new dwellings from the Conservation Area boundary. This mitigates the potential impact and an acceptable design for the development is provided which means that there

would not be any significant harm to the setting of this designated heritage asset.

- 10.18 The application accords with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

#### Residential Amenity

- 10.19 Policy BE12 of the UDP sets out the council's space about buildings requirements and one of the core planning principles of the NPPF is to seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.20 Separation distances to the properties to the north and east of the site all accord with Policy BE12 requirements.
- 10.21 There is a very marginal shortfall in separation between habitable windows in the rear of plot 68 and the rear of 23 Hallas Road to the south of the site. The shortfall is 0.5 metres and could be partially mitigated by screening along the boundary. The relationship is considered to be acceptable.
- 10.22 Dene Park lies to the west. The properties on Dene Park that back onto the site are a minimum of 21m from the nearest habitable windows of any new dwelling. There are also two bungalows on Dene Park that have side walls containing windows that face onto the site at very close proximity. The separation distance to the nearest habitable windows of new dwellings is 13 metres. This separation satisfies Policy BE12 as a habitable window to non-habitable window relationship. Screen fencing along the boundary would be sufficient to prevent direct overlooking of windows in the side of these neighbouring bungalows which will protect the privacy of these neighbouring occupiers in any event.
- 10.23 Number 70 Burton Acres Lane to the west of the site has a gable end 5m from the side wall of plot 1. This neighbouring property has a non-habitable ground floor window and door in its side elevation. This is a typical side wall to side wall relationship and is considered to be acceptable.
- 10.24 Some shortfalls in separation distances occur between new dwelling and new dwelling however officers are satisfied that an acceptable standard of amenity would be provided for the future occupants. All future occupants would be aware of the relationship between dwellings before purchasing properties.

#### Landscape issues

- 10.25 Two separate areas of accessible and well-laid out public open space are provided within the site and the amount provided satisfies policy requirements. The nature of the open space and proximity to new houses are such that it does not readily lend itself to accommodating equipped play facilities and to this end a contribution towards the upgrade of existing play

facilities at the nearby recreation ground (Gregory Playing Fields) in lieu of on-site play provision is sought. This is to be secured by S106.

- 10.26 The areas of open space within the site give the development a sense of openness and planting to these areas will enhance the appearance of the development and provide some ecological value. Tree planting to the frontages of a number of the properties also serves to soften and enhance the appearance of the streetscene.

#### Housing issues

- 10.27 The development would deliver much needed housing at a time of national shortage and when the council is unable to demonstrate a five year housing land supply. The development would also provide a policy compliant number of affordable units on site. The NPPF supports the delivery of new housing.

#### Highway issues

- 10.28 Burton Acres Lane serves a number of purposes and provides for direct and junction access. It has mixed highway features along its length and has varying carriageway, footway and verge widths. In the vicinity of the development the carriageway width varies from 6m to 4m. The footway width also varies from 3m-1.5m. There is currently only a verge adjacent to the proposed development site. Beyond the development site there is no verge or footway.
- 10.29 On the opposite side to the proposed development there is a footway serving Sycamore Court and Ashford Court. Burton Acres Lane is severed to through traffic along its frontage with the recreation ground. This closure to traffic controlled via a collapsible bollard at a point some circa 40m from the site boundary (approximately 70m from the site entrance.) Access is maintained for pedestrians and authorised vehicles.
- 10.30 There is an existing stone wall present along the development frontage of approximately 1m in height. The western part of the verge area has been planted and is tended by local residents.
- 10.31 The application is supported by a Transport Assessment (Via Solutions October 2016) and following initial concerns/requests for clarification by a Highways Technical Note (Via Solutions) received from the applicant on 7th February 2017.
- 10.32 A full personal injury accident assessment has been undertaken for the most recent 5-year period for the local highway network pertinent to the site. Highways Development Management is satisfied that there are no existing accident trends that this development would likely exacerbate and as such, the proposal is considered acceptable in this regard.

- 10.33 The application site is proposed to be served via a newly created simple priority junction linking the internal estate road with Burton Acres Lane. The internal estate road is to serve as direct access for 97 residential dwellings. Visibility splays at the junction are accepted.
- 10.34 Pedestrian and cycle access into the application site is also proposed to be taken from the main vehicular site access. Continuous footways are provided on both sides of the access and continue into the bulk of the site. The geometric design of the proposed access is acceptable.
- 10.35 The level of parking provision proposed (276 spaces) is in accordance with the adopted standards as prescribed within the UDP. Some dedicated visitor parking spaces are provided across the site and parking can also be naturally accommodated on-street.
- 10.36 The layout of the estate road is considered acceptable and allows for service vehicle movements and turning.
- 10.37 A new two metre wide footway is provided along the site frontage and includes vehicle crossovers for individual driveways.
- 10.38 An assessment has been undertaken as to the level of trips that the development would generate. The assessment concludes the development would likely generate in the region of 73 movements in the AM peak (two way) and 64 movements during the PM peak (two way), split as 18/55 arrivals/departures and 40/24 arrivals departures respectively. The findings are accepted by Highways Development Management.
- 10.39 Trip Distribution on the local network has also been calculated and an operational assessment undertaken for the junctions of A629 Penistone Road/Far Dene and Far Dene/Towngate with Burton Acres Lane. The assessment indicates that these junctions would continue to operate within their capacity limits.
- 10.40 Based on the above the level of traffic generated by this proposal will not have any material detrimental impact upon the efficiency of the local highway network.
- 10.41 The development accords with Policies BE1, T10 and T19 of the UDP.

#### Drainage issues

- 10.42 It is proposed to pump surface water and foul drainage to a main sewer within Burton Acres Lane. The pump station would be located within an area of open land towards the south west corner of the site. Surface water will be attenuated within a below ground tank to control the rate at which water enters the pumping station. The developer intends for the pumping station to be adopted by Yorkshire Water.

- 10.43 Kirklees Flood Management and Drainage consider a pumped drainage solution to be the least preferred option because it introduces a flood risk in the event of failure and requires power to operate it which increases the carbon footprint of the development. As such it has been recommended that the developer seeks to pursue potential gravity connections to the south of the site. Published guidance indicates that pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.
- 10.44 The applicant has explored an alternative means of disposal that would allow for a gravity connection to a watercourse. This method of disposal has financial implications for the developer and introduces a significant degree of uncertainty and potential delays because it involves third party land and the use of Yorkshire Water's requisition powers.
- 10.45 Kirklees Flood Management and Drainage have also promoted a gravity connection to a public combined sewer that lies to the south of the site within land that is outside of the applicant's control. Yorkshire Water has informed the developer that they do not support this because their preference is for a connection to a surface water sewer rather than a combined sewer. There are also similar practical issues to securing this off-site connection on third party land.
- 10.46 Officers consider that the developer has made reasonable attempts to consider alternative options to pumping water to Burton Acres Lane and the issues associated with connections via third party land and sewer requisition powers are such that it is not reasonably practicable in this instance to drain water by gravity.
- 10.47 The pumped drainage strategy gives the developer certainty because the costs can be readily calculated and its delivery does not depend on third parties. To this end the developer has advised that the drainage strategy as proposed within the application will enable them to deliver a policy compliant affordable housing offer (19 units on site) and to deliver the majority of these (13 units) within the first phase of the development process with the remainder being delivered in the second phase. An alternative drainage solution, which introduces additional costs and delays, will jeopardise their ability to deliver the full quantum of affordable houses and within this timeframe.
- 10.48 Whilst the proposal introduces an element of flood risk in the event that the pump fails, measures to mitigate this risk have been put forward. These include a Yorkshire Water approved pump supplier and installer and a specialist private maintenance contract being in operation prior to formal adoption of the pumping station. Furthermore, an indicative flood routing plan in the event of pump failure has been submitted; this shows that existing properties adjacent to the site that are at lower levels can be protected by sending storm water down a track and onto North Road.



- 10.49 Taking into account the level of risk and balancing this against the wider benefits of the development in terms of the timely delivery of affordable housing, officers consider that the proposed drainage strategy is acceptable. No objections have been raised by Yorkshire Water.
- 10.50 Separate to the pumping station, consideration has been given to flood routing within the site. Flood routing should avoid residential curtilage where possible. Flood routing would not fully avoid curtilage within the site however the risk to new dwellings has been mitigated and there are no significant concerns in this regard.

### Representations

- 10.51 A total of 240 representations have been received and the main points are summarised at section 7 of this report.
- 10.52 The impact on the character of the area, highway safety, residential amenity, ecology and drainage have been discussed within this appraisal.
- 10.53 In so far as the issues raised have not been addressed within the appraisal a response is provided as follows:
- 10.54 Impact on local infrastructure:  
**Response:** Development triggers a contribution towards education provision. Medical services are a matter for those providers and cannot be considered through this planning application. In terms of drainage, Yorkshire Water support the drainage scheme being proposed by the developer.
- 10.54 Capacity and back-up systems of pumping station in event of failure:  
**Response:** Measures have been proposed to mitigate risk. This includes a private maintenance management contract being in place prior to the station being adopted by Yorkshire Water which would operate 365 days a year and use telemetry technology. In the event that Yorkshire Water did not adopt the pumping station a management company would be required in perpetuity. An attenuation tank is to be provided to control water flows into the pumping station.
- 10.55 Loss of natural drainage/exacerbate existing drainage problems  
**Response:** The development can be adequately drained which would not increase flood risk elsewhere.
- 10.56 Increased noise:  
**Response:** Development is in a residential area and the addition of new housing is considered to be compatible with the noise characteristics of the area.
- 10.57 Restrictions on tennis club floodlights:  
**Response:** Restrictions could not be imposed on the tennis club through this application. Officers are satisfied that the relationship between the tennis club and new dwellings is acceptable.

10.58 Schools visit to see the animals in the fields:  
**Response:** This is not a material planning consideration

10.59 Local shopping facilities could not cope with more vehicles forcing residents to shop elsewhere and losing sense of community:  
**Response:** How people choose to shop is not a material planning consideration.

#### Planning obligations

##### Affordable housing:

10.60 Based on the proposed drainage strategy as discussed above, 19 dwellings will be delivered on the site as affordable units. This equates to 20% of the total number of units which is in accordance with the interim affordable housing policy. The proposed tenure split is also in line with the interim policy.

10.61 Almost 70% of the units would be delivered within the initial phase of development (i.e. when 40% of the market housing is occupied which would equate to around 12 months from commencement of development). Due to the location of the remainder of the affordable units within the site and the build programme the remaining units would be provided by 70% of the market housing being occupied.

##### Public open space:

10.62 On-site public open space is provided which exceeds policy H18 requirements. A contribution of £89,000 is sought for the upgrade of existing play facilities at Highburton recreation ground.

##### Education:

10.63 An education contribution of £233,115 towards first and middle school places within the local area is required.

##### Residential Metro Cards and bus stop improvement:

10.64 A contribution towards residential metro cards and bus shelter upgrade is considered necessary to meet the council's wider sustainability objectives, guidance in the NPPF and to help to meet the aims of the Travel Plan. Approximately £23,000 is considered necessary for Metro Cards and £10,000 is considered necessary for the bus shelter upgrade. This can be secured by S106.

#### Other Matters

10.65 An ecological report has been submitted with the application which concludes that the site predominantly consists of improved grassland habitat and as such is of limited ecological value. The Ecology Unit is satisfied that there are no significant ecological constraints to the development and have

recommended specific mitigation and enhancement measures which can be secured by conditions.

- 10.66 There are no trees on site that are worthy of preservation and no protected trees within the vicinity of the site that would be affected by the development. The arboricultural officer has however recommended a condition to protect existing unprotected trees that are to be retained within the site and adjacent to the site during construction.
- 10.67 The Phase 1 contamination report submitted with the application recommends further site investigation to be carried out. This can be secured by conditions.
- 10.68 NPPF Paragraph 109 states that “ the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.
- 10.69 The security of plots 8, 9, 15, 16 and 17 has been improved through the provision of lockable gates across a passageway between plots 16 and 17, in line with advice from the West Yorkshire Police Architectural Liaison Officer.

## **11.0 CONCLUSION**

- 11.1 The principle of development is accepted on this POL site when the council is unable to demonstrate a five year housing land supply and in the absence of any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the overall benefits.
- 11.2 The design and appearance of the development would sit comfortably within the surrounding area and an acceptable standard of amenity would be provided for existing and future residents. The development would not prejudice highway safety.
- 11.3 The drainage strategy is considered to be an acceptable means of draining the site and will allow for wider planning benefits to be secured, specifically a policy compliant affordable housing offer and an early delivery of the majority of this housing. This is in addition to an off-site POS contribution and education contribution.

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

1. Time limit condition
2. Development in accordance with approved plans
3. Detailed drainage scheme
4. Temporary drainage scheme for construction
5. Ecological method statement
6. Landscape and ecological management plan

7. Lighting design strategy for biodiversity
8. Tree protection plan
9. Contaminated land and coal mining legacy investigation and remediation
10. Electric vehicle charge in points
11. Surfacing of parking spaces
12. Provision of sightlines
13. Detailed highway design

**Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93688>

Certificate of Ownership – Notice served on Brian & Bridget Bradley, 25 Hallas Road, Kirkburton, HD8 0QF