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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Jan-2020**

**Subject: Planning Application 2019/90183 Erection of 14 dwellings and associated works Land off, Station Road, Skelmanthorpe, Huddersfield, HD8 9TT**

**APPLICANT**

Newett Homes

**DATE VALID**

29-Apr-2019

**TARGET DATE**

29-Jul-2019

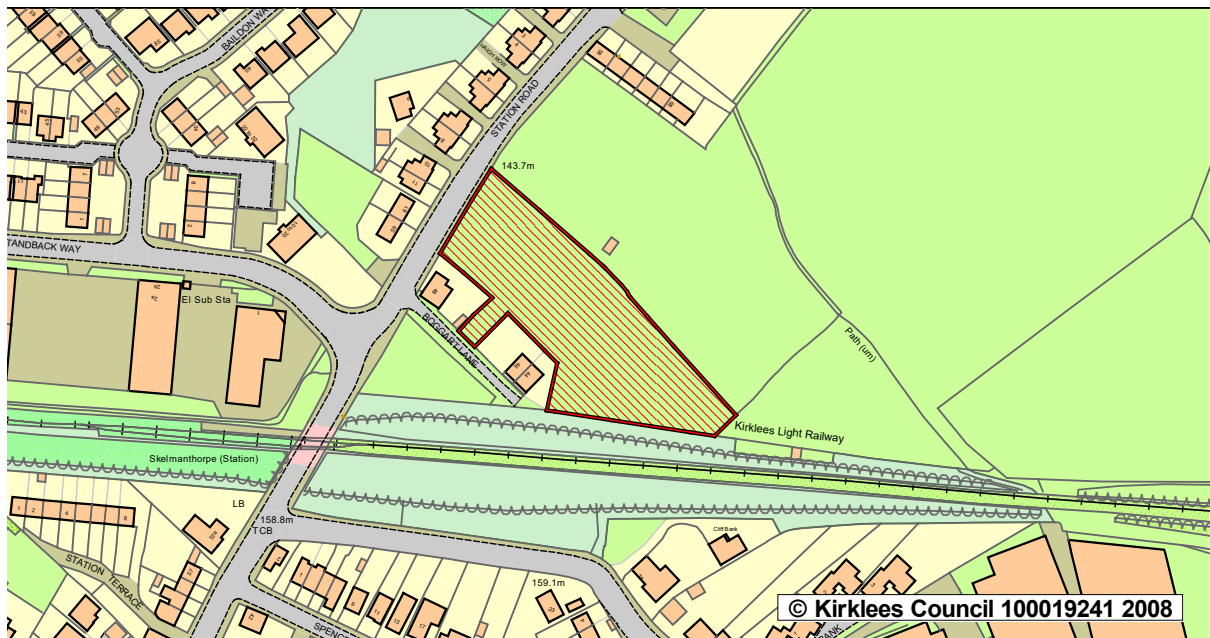
**EXTENSION EXPIRY DATE**

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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: Denby Dale**

Y

Ward Members consulted (referred to in report)

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**POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.**

**1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission, for a residential development of 14 dwellings.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as it relates to land within the same site allocation as another planning application currently under consideration (ref: 2019/91657). A report for that other application is to be considered at the same meeting of the Heavy Woollen Sub-Committee. Although submitted by different applicants, the two applications are linked in many respects.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.4 hectares in size and is a greenfield site located on the southeast side of Station Road at Skelmanthorpe. There is an existing field access off Boggart Lane which is an un-adopted lane to the south of the application site and which serves three existing dwellings. Levels within the application site slope downhill to the north, and the field is delineated by stone walls and hedgerows. Trees exist adjacent to the field access and the southern boundary, and trees at the east end of the site are protected by TPO 11/19/g1. To the south and west of the site are residential properties accessed from Station Road and Boggart Lane, and the Kirklees Light Railway follows a route to the far south-east of the site. The site forms part of a 1.28 hectare housing allocation (reference HS134) in the Kirklees Local Plan.

**3.0 PROPOSAL:**

- 3.1 The application seeks full planning permission for the erection of 14 dwellings.
- 3.2 The majority of the plots would be served from a proposed estate road accessed from Station Road, which would follow a route along the northern boundary of the site. The planning application consists of three 2-bedroom (terrace), six 3-bedroom (semi-detached), four 4-bedroom (detached) and one 5-bedroom (detached) dwelling houses.

- 3.3 The proposed dwellings would be predominately two storeys in height, however plots 9-14 would have accommodation over three floors, utilising the change in site levels. No details of facing materials have been provided.
- 3.4 No on-site publicly-accessible open space is proposed.
- 3.5 A terrace of 3x 2-bedroom affordable dwellings are proposed adjacent to Station Road.
- 3.6 Each dwelling house has in-curtilage car parking, and visitor car parking is proposed within two layby arrangements, adjacent to plots 1-3 and plots 5-6.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 Relevant planning history includes:
- 2017/92217 Erection of 10 dwellings – Refused 27/09/2017 due to matters regarding Green belt, design, highway layout, drainage, biodiversity and public open space in relation to the previously adopted Local Plan policies.
  - 2017/91487 Formation of a new vehicular access – Conditional Full Permission granted 18/08/2018.
  - 2019/91540 – Erection of detached dwelling – Conditional Full Permission granted 28/11/2019.

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

- 5.1 During the life of the application, extensive discussions have taken place between officers and the application team with regards to masterplanning, density, housing mix, affordable housing, drainage, highways, ecology and trees.
- 5.2 The applicant has increased the number of proposed dwellings from 10 to 14, with three affordable dwelling houses now proposed. The planning application is supported by an amended layout and elevations. Supporting information is currently being updated to reflect the proposed change in number of dwelling units and to address the consultee comments previously made for the 10 dwelling scheme.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

##### Kirklees Local Plan (2019):

- 6.2 The site forms part of site allocation HS134 (formerly H72). HS134 relates to 1.28 hectares (net and gross), sets out an indicative housing capacity of 44 dwellings, and identifies the following constraints:
- Potential drainage issues relating to site topography
  - Part of site is within a High Risk Coal Referral Area

### 6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

#### Supplementary Planning Guidance / Documents:

### 6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## National Planning Policy and Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.6 Since March 2014 Planning Practice Guidance for England has been published online.

6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

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

7.1 The application has been advertised as a major development that would affect a public right of way.

7.2 The application has been advertised via three site notices posted on 07/05/2019, an advertisement in the local press dated 17/05/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 08/06/2019.

7.3 65 representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the points raised:

### Principle

- Planning for housing has already been rejected on this site.
- Loss of greenbelt / greenfields / farmland.
- Many brownfield sites have not yet been redeveloped in the area.
- Planners have excluded Denby Dale's surrounding rural housing needs in favour of this site.
- This area doesn't need housing, Birdsedge needs housing to support its village services.
- Does not promote a healthy environment and is not sustainable.

- Impact on local community and character.
- Housing is fulfilled with other development sites in the area.
- Already been residential and industrial development in the immediate locality.
- Adverse impact on oversubscribed local amenities (doctors, dentists and schools).
- This will have an impact on local people's health and wellbeing.
- Concern about the overall, cumulative impact of all housing developments as a whole in this area.

#### Design and Amenity

- Unacceptable impact on existing residential amenity (privacy, overlooking, overshadowing).
- No consideration given to local building styles and building materials.
- Anywhere design and not unique to the Park Gate heritage.
- 3-storey dwellings are on an elevated land and would not be in-keeping with the locality.
- There doesn't appear to be any proposed fences for plot 1 and plot 2 gardens.

#### Highways

- Reliability and accuracy of Highways Supporting Statement queried.
- Query if entrance could be moved to Boggart Lane.
- Location of proposed junction and effect on properties in terms of vehicle headlights.
- Location of proposed junction in relation to private driveway, Boggart Lane and mini-roundabout.
- The visibility splay is inadequate and turning heads are not suitable for large vehicles.
- Unacceptable impact on road network.
- Station Road suffers from rat running and speeding, particularly at peak times.
- Local road network is unsuitable (poor condition, blind bends, single lane in places, narrow bridge, inadequate/no footpaths and unsafe junctions, high volumes) to accommodate additional traffic, particular commuter traffic.
- Station Road is dangerous particularly in the winter months.
- Exacerbate existing parking issues, which will affect highway safety as well as HGVs, emergency and service vehicles.
- Increase in noise levels, light, air pollution and disruption from cars and construction vehicles plus the use of heavy plant machinery
- There are already a number of minor accidents, which this will worsen.
- Already a high number of road works which this will worsen.
- Lack of a suitable affordable (including first-time buyers), housing mix.
- The proposal constitutes a gross over development of a semi-rural area.
- Construction traffic should not access via Boggart Lane.
- Construction should be coordinated with the adjacent development proposal.

### Environment

- Loss of natural habitat for local wildlife.
- Removal of existing hedgerow before a decision has been made.
- No trees proposed.
- Request for assurances that a boundary mature beech tree is protected.
- Likely increase in litter that will affect the local environment.

### Drainage and Flood Risk

- Increased flood risk and drainage issues, particularly downhill at Park Gate and Baildon Dike.
- Inadequate infrastructure to cope with existing surface and foul water drainage.
- People still remember 2007 floods.

### Other Matters

- Effect on views.
- Effect on house prices.
- Less safe place to live.
- Poor communication between council and residents regarding the application.
- Part of a site allocation and should mean the payment of education contributions.
- Query as to what precautions are to be made for subsidence due to the coal mining history.

### Upper Dearne Valley Environmental Trust (UDVET)

Fundamentally object to yet another development proposal which will load yet more traffic onto Station road and the Station Road/Commercial Road/Cumberworth Road junction. Station Road is heavily obstructed by double on-road/pavement parking - more traffic and access points will increase accident risk. UDVET also believe this development and the adjacent one (2019/91657) for 30 houses should be integrated in terms of style, design, access and possibly other matters (e.g. drainage) to give a more coherent and acceptable look which matches the Pennine environment i.e. the type of designs proposed in the aforementioned application. UDVET would like to see Planning officers and developers working together to achieve this. UDVET do not want to see the horrendous design mistakes, evident throughout Skelmanthorpe and off Station Road in recent times, repeated again. We believe the council needs to place good quality design which reflects the heritage of the area higher up its agenda.

7.4 Denby Dale Parish Council objected to the proposed development, making the following three comments in relation to the 10-unit scheme:

- 1) *Highways – due to the narrowness of the road towards Park Lane and the already busy road would be impacted adversely by an increase in traffic. There is also pedestrian safety to consider near Park Lane due to the lack of pavement.*
- 2) *Drainage – the Park Lane area is already subject to flood risk, and the proposal of provision of a tank which, when full, would overflow downhill towards this area, was not considered adequate. Existing drainage was not considered adequate to accommodate further developments.*

3) *Height of three properties proposed – these were considered overbearing, and would overlook other proposed neighbouring properties.*

7.5 Responses to the above comments are set out later in this Position Statement and the accompanying report relating to the adjacent site.

7.6 During writing this report the council has received additional plans and supporting information for the erection of 14 dwellings. Public re-consultation is currently under way. Should any further comments be received following the publication of this agenda, they shall be reported in the update.

## **8.0 CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory:**

The Coal Authority (commenting on 10-unit scheme) – The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth. Pre-commencement condition recommended for intrusive site investigation works.

Yorkshire Water (commenting on 10-unit scheme) – Condition recommended, requiring implementation of separate systems of foul and surface water drainage, and no piped discharge of surface water prior to completion of surface water drainage works. Applicant's Flood Risk Assessment and drainage proposals will require clarification, however this can be conditioned. Advice provided regarding sewer infrastructure.

KC Highways (commenting on 14-unit scheme) – Four visitor parking spaces are required but only two spaces are provided. No bin storage or collection points are shown on the plan. There are no plans showing a swept-path analysis of an 11.85m refuse vehicle or visibility splays. The 2-bed affordable houses would only have 1 parking space each. A 2.0m width foot path would be required for the Station Road frontage. An updated Transport Statement is required to reflect the increase in dwelling numbers.

KC Lead Local Flood Authority (commenting on 10-unit scheme) – Kirklees Flood Management & Drainage as Lead Local Flood Authority OBJECTS to this application on flood risk and drainage grounds. Further study and dialogue is required in order to produce an acceptable master plan for drainage that minimises the risk of cumulative development on local drainage networks. The masterplan should include the whole site allocation in the local plan which this application only forms part of.



## 8.2 **Non-statutory:**

KC Biodiversity Officer (commenting on 10-unit scheme) – The applicant should follow the recommendations in the PEA. Main concern with this site is the potential for harm to the ‘function and connectivity’ of the Kirklees Wildlife Habitat Network.’ A suitable buffer is a sensible means to prevent impacts here.

KC Education (commenting on 10-unit scheme) – As the proposed development is for less than 25 units, there will not be a response from Education. Comments have been sought with regard to the entire site allocation.

KC Environmental Health – Conditions recommended for land contamination, noise, charging points (air quality), as well as a number of footnotes referring to advice documentation and construction site noise.

KC Planning Policy – (commenting on 10-unit scheme) – There are two separate planning applications for the development of housing on the site allocation. As it stands, the two layouts have little regard to each other and need to have regard to policies LP5, LP7 and LP24. Guidance also provide in relation to policies LP11, LP28 and LP28.

KC Strategic Housing – (commenting on 10-unit scheme) – No affordable housing required for the 10 dwellings scheme but 20% would be required across the whole site allocation.

KC Trees (commenting on 10-unit scheme) – No objections to this proposal. Arboricultural Method Statement, written in accordance with BS5837:2012, required to show how the construction works would be carried out while avoiding damage to the trees on, and overhanging, the site.

Public Rights of Way - No comments.

West Yorkshire Archaeology Advisory Service (commenting on 10-unit scheme) – The West Yorkshire Historic Environment Record shows that there are currently no known significant heritage assets with in the area of proposed works. Therefore no archaeological work is necessary in this instance.

West Yorkshire Police Crime Prevention Design Advisor (commenting on 10-unit scheme) – Advice provided regarding the layout of the site, particularly plots 3 and 10 boundary treatments, external lighting and security measures, car parking, garages and cycle stores and bin stores.

8.3 **NOTE:** Further consultation has been carried out following receipt of the amended plans and amended description. Consultation responses shall be reported in the update.

## 9.0 **MAIN ISSUES**

- Land use, sustainability and principle of development
- Urban design
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues

- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL

### Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a wider housing site allocation (ref: HS134), to which full weight can be given. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H72) stated:
- The site is well related to the settlement and contained by residential development to the west and part of the northern and southern boundaries. Field boundaries to the east/north-east would provide new defensible green belt boundaries. In this context, and taking account of identified housing needs and the sustainability of the village, I conclude that exceptional circumstances exist to justify the release of the site from the green belt.*
- 10.4 The 14 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.5 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.6 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.

- 10.7 With 14 units proposed in a site of 0.4 hectares, a density of 35 units per hectare would be achieved. This is compliant with the minimum density expectation set out in Local Plan policy LP7, suggests efficient use of the site, and is welcomed. Site allocation HS134 refers to an indicative site capacity of 44 units, which the proposed development would make an adequate contribution towards. Of note, the two applications 2019/90183 and 2019/91657 would together provide the expected 44 units.
- 10.8 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.9 The application site is a sustainable location for residential development, as it is relatively accessible and is within an existing, established settlement that is served by public transport. Furthermore, Skelmanthorpe has a number of shops, eating establishments, churches, a pub, social infrastructure, employment uses and other facilities, such that at least some of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.10 With regard to climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.11 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.
- 10.12 Do Members have any comments in relation to land use, sustainability and the principle of development at this stage?**

Urban design

- 10.13 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.14 The site is subject to constraints in relation to topography, local character, drainage, highways, and the adjacent residential properties, public footpath and TPO-protected trees. Due to the site's slope, any development here would be highly visible in longer views from the north. All of these considerations will (or should) influence the design of any development at this site.

- 10.15 This application relates to the smaller part of site allocation HS134. Current application ref: 2019/91657 relates to the remainder of the site. Local Plan policy LP5 is relevant, and a masterplanning approach has been applied by officers to the entire allocated site when assessing the two proposed developments. Ideally, a single application would have been submitted for the entire allocated site, however this could not be required or enforced at this particular allocated site – it must be noted that policy LP5 in some cases will need to be applied flexibly where allocated sites are in fragmented ownership and where acceptable (yet separately-designed) schemes are brought forward. The council also cannot reasonably insist that the two parts of the site be developed simultaneously by the same developer (of note, different landowners and developers may be working to differing timeframes), or designed by the same team. However, co-ordinated development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the site allocation, is considered essential.
- 10.16 The two proposals initially submitted by the two applicant teams were not designed in co-ordination with each other. No internal connections were proposed between the two sites, very different house types, designs and unit size mixes were proposed, and the smaller site included no affordable housing. Of the two proposals, those for the larger part of the allocated site were superior in terms of design, unit size mix and efficient use of land.
- 10.17 During the life of the current application (for the larger site), officers called a joint meeting (held on 24/05/2019) with the applicant teams for both sites. At this meeting officers emphasised the need for a co-ordinated, masterplanned development across the entire allocated site HS134. Following that meeting, the smaller site's applicant commissioned the larger site's architect to prepare amended proposals, and amendments to both proposals have been submitted.
- 10.18 The proposals for the smaller site are now much improved, with 14 units proposed. As explained in the accompanying committee report for the larger site, a single point of access, and a looped estate road, would be preferable, however the applicants have demonstrated this is not possible.
- 10.19 A stepped pedestrian access point is proposed to connect with the neighbouring application site adjacent to plots 6 and 7. This would aid pedestrian connectivity in line with Local Plan policies LP20 and LP24 (d) (ii).
- 10.20 Electricity lines and poles cross site's north eastern boundary with the adjoining site, whilst telephone lines and poles can be found along the site's boundary with Station Road to the northwest. It is understood that the applicant will try and incorporate and utilise such features or explore their relocation.
- 10.21 In accordance with Local Plan policy LP28 a drainage strategy shows how flood routes would be accommodated within the proposed carriageway during extreme rainfall event and would thus avoid buildings and curtilages.
- 10.22 Do Members have any comments in relation to urban design at this stage?**

### Residential amenity and quality

- 10.23 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.24 A separation distance of 18m is proposed between plot 7 and 44/46 Boggart Lane. A separation distance of around 20m is proposed between plot 6 and the recently approved dwelling at Boggart Lane. A separation distance of 12m is proposed between plots 1-3 and 48 Boggart lane (blank gable).
- 10.25 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the site's location on Station Road (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.26 A Construction Management Plan (CMP) is required. This could be secured by condition, should planning permission be granted.
- 10.27 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.28 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Officers have asked the applicant to provide a schedule of accommodation to demonstrate that these standards have been met.
- 10.29 Plots 1 and 7 are dual aspect properties ensuing that Station Road and the new street benefit from natural surveillance and visual interest.
- 10.30 Each dwelling house would have sufficient, accessible outdoor amenity space.
- 10.31 No on-site open space is proposed. This is acceptable, however a financial contribution towards off-site provision will be required.
- 10.32 Although some details of landscaping proposals have been shown on the applicant's drawings, further details of the development's outdoor spaces and their purpose, design, landscaping and management are required. Details of the proposed pedestrian connections to the adjacent site and public footpath would also be required.
- 10.33 Do Members have any comments in relation to residential amenity and quality at this stage?**

### Affordable housing

- 10.34 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

- 10.35 Three of the proposed 14 units would need to be affordable. In terms of unit numbers, this represents a 21.4% provision, which meets the requirement of Local Plan policy LP11. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.36 The proposed affordable housing is proposed within a terraced block of three 2-bed dwelling houses adjacent to Station Road. This is considered to be an acceptable location for the affordable housing.
- 10.37 The applicant has stated that the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate would be complied with.

**10.38 Do Members have any comments in relation to affordable housing at this stage?**

Highway and transportation issues

- 10.39 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.41 The application site has a frontage to Station Road approximately 37m in length. Station Road has footways on both sides of the carriageway, is open to two-way traffic, is subject to a 30mph speed restriction, and has no yellow line markings along its kerbs.
- 10.42 All 14 units to be accessed from a single vehicular entrance. The adjacent proposed development (ref: 2019/91657) would add another vehicular entrance to Station Road. As explained in the accompanying committee report, while it would be preferable to have a single access point for both developments, Highways Development Management officers have not raised safety concerns regarding the two access points, and the site's challenging topography prevents a single access point being provided.
- 10.43 It is recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, to ensure the use of sustainable modes of transport is encouraged and enabled. Should residential development be granted at the adjacent site to the north, the Travel Plan should also apply to that development. Travel Plan monitoring fees would also need to be secured.

- 10.44 Public footpath DEN/28/10 runs along the allocated site's northeast edge. A pedestrian connection between the application site and the adjacent site to the north will be required, to ultimately provide a link to the public footpath. This would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e.
- 10.45 Highways Development Management officers have raised a number of concerns with the latest layout (for the 14-unit scheme), including:
- There are only two visitor spaces provided where four (rounded up from one per four dwellings) should be provided.
  - No details of bin storage or collection have been shown. In particular swept-path analysis of an 11.85m refuse vehicle entering and exiting the site in a forward gear would be required.
  - No visibility splays are shown, these would need to be dimensioned on a plan to measured 85<sup>th</sup>-percentile speeds.
  - The two affordable homes only have one off-street parking space. For a two-bedroomed dwelling two spaces are expected. Some compromise may be acceptable, but this coupled with the reduced level of visitor parking is likely to lead to on-street parking. This would be particularly undesirable on Station Road. Any under-provision of parking should be justified by empirical data (TRICs, local car ownership figures etc.).
  - The footway appears to narrow on Station Road along the garden of Plot 1. A 2m wide footway would be required for the full frontage of the site.
  - The Transport Statement has not been updated to reflect the increase to 14 dwellings.

**10.46 Do Members have any comments in relation to highways and transportation issues at this stage?**

Flood risk and drainage issues

- 10.47 The site is within Flood Zone 1. The site generally slopes downhill from the south to the north. The nearest watercourse is Baildon Dike to the north.
- 10.48 A site-specific Flood Risk Assessment and Drainage Strategy was submitted by the applicant for 10 dwellings scheme and officers have subsequently requested an updated drainage strategy for the latest 14-unit scheme.

**10.49 Do Members have any comments in relation flood risk and drainage issues at this stage?**

Trees and ecological considerations

- 10.50 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is partly grassed and partly overgrown with shrubs. There are also trees and shrubs along some of the site's edges, and a Tree Preservation Order 11/19/g1 protects trees to the east. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.

- 10.51 The applicant submitted a Preliminary Ecological Appraisal (PEA) for the 10-unit scheme. The council's Biodiversity Officer has reviewed the document and recommended that the applicant follow the PEA's recommendations in relation to nesting birds, bats and other protected species as a precaution.
- 10.52 The council's Biodiversity Officer has expressed concern regarding the potential for harm to the function and connectivity of the Kirklees Wildlife Habitat Network (KWHN) and has suggested a suitable buffer as a sensible means to prevent such impacts.
- 10.53 In response the applicant's ecologist has subsequently provided a letter stating:
- "The KWHN comprises a number of trees on the embankment of a railway and borders a small portion of the development site boundary to the south. Within the development the land bordering this is proposed for back gardens rather than any new buildings, with the off-Site trees to be protected during construction works. As part of a sensible buffer, rather than wooden fencing panels, it is proposed a double row native species-rich hedgerow will be planted to provide complementary habitat to the designated site and a physical barrier to reduce disturbance. Additionally, any lighting within the southern area of the Site will be directional to prevent any light spill onto the gardens or KWHN."*
- 10.54 Comments are yet to be provided by the Biodiversity Officer regarding this proposal.
- 10.55 Tree Preservation Order 11/19/g1 was served during the life of the application.
- 10.56 The Council's Arboricultural Officer has raised no objections to the proposed development, but has requested an Arboricultural Method Statement, written in accordance with BS5837:2012, to show how the construction works will be carried out while avoiding damage to the trees on, and overhanging, the site.
- 10.57 The applicant has subsequently provided an Arboricultural Method Statement but comments are yet to be provided by the council's Arboricultural Officer regarding the statement.
- 10.58 Do Members have any comments in relation to trees and ecological considerations at this stage?**

Environmental and public health

- 10.59 With regard to the West Yorkshire Low Emission Strategy the provision of electric vehicle charging points would be necessary. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.60 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures that could be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.



10.61 Regarding the social infrastructure currently provided and available in Skelmanthorpe (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP and dental provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

**10.62 Do Members have any comments in relation to environmental and public health at this stage?**

Ground conditions

10.63 A Preliminary Geoenvironmental Investigation Report was provided in support of the 10-unit scheme. This was subsequently reviewed by officers from Environmental Health and the Coal Authority who concurred with the document's conclusions. These recommend further investigation into the potential for ground contamination, ground gas and mine workings to be present. Environmental Health and the Coal Authority do not object to the scheme subject to the imposition of a number of site intrusive investigation works and land contamination conditions.

**10.64 Do Members have any comments in relation to ground conditions at this stage?**

Representations

10.65 A total of 65 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this Position Statement and the accompanying report relating to the adjacent site.

**10.66 Do Members have any comments in relation to representations at this stage?**

Planning obligations

10.67 Planning obligations, that would need to be secured via a Section 106 agreement, would be necessary to mitigate the impacts of the proposed development, should approval of planning permission be recommended and granted. Section 106 heads of terms have not been discussed with officers at this stage, but are likely to include:

- Affordable housing – three affordable housing units (two social/affordable rent, one intermediate) to be provided in perpetuity.
- Open space – Off-site contribution to address shortfalls in specific open space typologies.
- Education – Contribution as part of the wider site allocation.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.

- Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.68 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

**10.69 Do Members have any comments in relation to planning obligations at this stage?**

Other planning matters

10.70 A condition removing permitted development rights from some of the proposed dwellings will be necessary. This is considered appropriate for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

**10.71 Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?**

**11.0 CONCLUSION**

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and reiterated below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

- 1) Do Members have any comments in relation to land use, sustainability and the principle of development?
- 2) Do Members have any comments in relation to urban design?
- 3) Do Members have any comments in relation to residential amenity and quality?
- 4) Do Members have any comments in relation to affordable housing?
- 5) Do Members have any comments in relation to highways and transportation matters?
- 6) Do Members have any comments in relation to flood risk and drainage matters?
- 7) Do Members have any comments in relation to trees and ecological considerations?
- 8) Do Members have any comments in relation to environmental and public health?
- 9) Do Members have any comments in relation to ground conditions?
- 10) Do Members have any comments in relation to representations?
- 11) Do Members have any comments in relation to planning obligations?
- 12) Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?

11.2 Members are also asked to consider whether, in light of relevant planning considerations and the sub-committee's decision in respect of application 2019/91657, this application needs to be determined at a future meeting of the sub-committee.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90183>

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