
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/91657 Erection of 30 dwellings Land at Station Road, Skelmanthorpe, Huddersfield, HD8 9BA

APPLICANT

Stewart Brown, Yorkshire
Country Properties

DATE VALID

17-May-2019

TARGET DATE

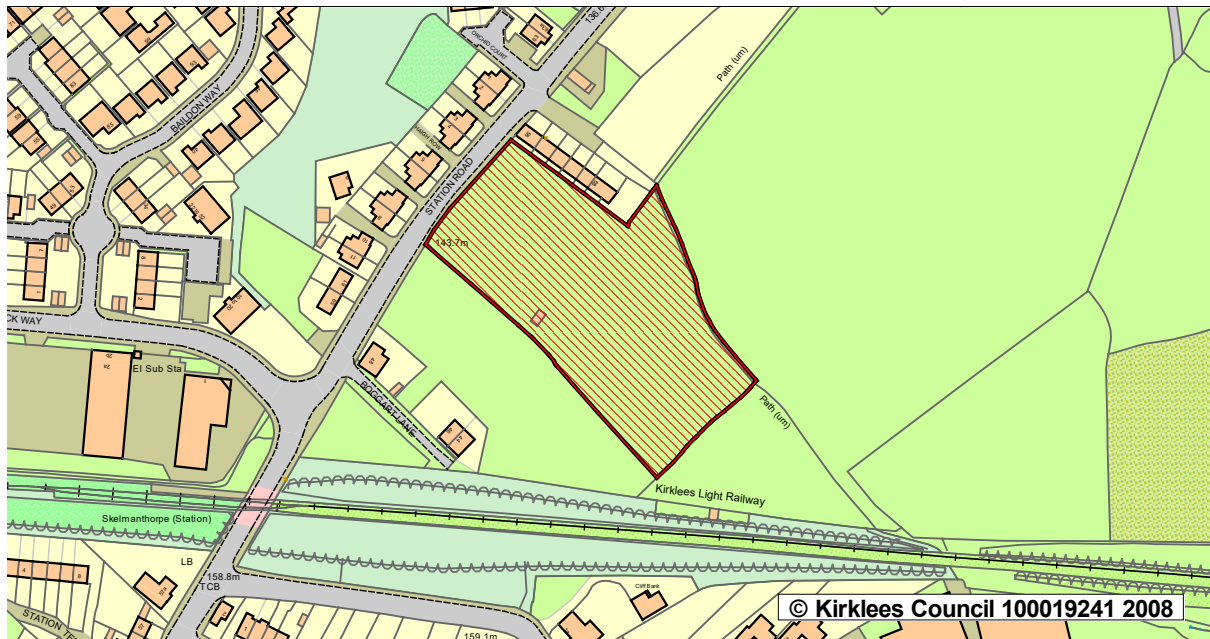
16-Aug-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Ward Affected: **Denby Dale**

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 Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – six affordable housing units (starter homes) to be provided in perpetuity.**
- 2) Open space – Off-site contribution of £56,541 to address shortfalls in specific open space typologies.**
- 3) Education – Contribution of £41,960.**
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £15,015 contribution towards Metro Cards, a £20,000 contribution towards the provision of real-time information displays at bus stops, the submission of a Travel Plan, and Travel Plan monitoring arrangements and fees.**
- 5) 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).**

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee’s resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 30 dwellings.**
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size.**

- 1.3 A position statement relating to a separate application (2019/90183) for the adjacent site is also 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 0.81 hectares in size, and is located on the east side of Station Road.
- 2.2 A two-storey terrace (58 to 68 Station Road) abuts the site to the north. Agricultural land exists to the south, beyond which are the residential properties of Boggart Lane and the Kirklees Light Railway. To the east is agricultural land. To the west, on the opposite side of Station Road, are two-storey residential properties, grouped in pairs of semi-detached properties.
- 2.3 The application site generally slopes downhill from south (approximately 149m AOD) to north (approximately 141m AOD).
- 2.4 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 protects trees at the south corner of the site.
- 2.5 No public rights of way cross the application site, however public footpath DEN/28/10 runs along the site's northeast edge.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS134). A planning application for residential development at the remainder of the allocated site is currently being considered.
- 2.7 A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.
- 2.8 The site is not in a conservation area, and there are no listed buildings within or near to the site.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 30 dwellings.
- 3.2 A new vehicular entrance is proposed at the northwest corner of the site, adjacent to 58 Station Road. From this, a new estate road would extend through the site. Dwellings would be arranged around this new road, with two private drives extending from it. Seven dwellings would line and face Station Road. Pedestrian connections to the site to the south, and to public footpath DEN/28/10, are proposed.
- 3.3 No on-site publicly-accessible open space is proposed. Soft landscaping is proposed to the rear of 58-68 Station Road, and within dwelling curtilages.

- 3.4 Of the 30 dwellings proposed, four would be semi-detached, five would be detached, and 21 are proposed in short terraces. Twelve house types are proposed, as are variations within house types. All dwellings would be two storeys in height, although the four semi-detached houses would have two-storey rear elevations and three-storey front elevations, due to topography.
- 3.5 Seven one-bedroom, three two-bedroom, 13 three-bedroom and seven four-bedroom dwellings are proposed. Six of the 30 residential units would be provided as affordable housing (starter homes). This represents a 20% provision.
- 3.6 All dwellings would have off-street parking, with some dwellings having attached or integral garages.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The application site itself has no recent, relevant planning history.
- 4.2 The adjacent land to the south has the following recent, relevant planning history:
- 2017/92217 – planning permission for erection of 10 dwellings refused 27/09/2017. Six reasons for refusal relating to green belt, design, highways, drainage, ecology and public open space.
 - 2019/90183 – current application for erection of 14 dwellings, yet to be determined.

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

- 5.1 The applicant submitted a request for pre-application advice on 28/06/2018 (ref: 2018/20260) in relation to a 29-unit scheme. A formal pre-application advice letter was not issued, however on 14/09/2018 officers forwarded the various pre-application consultee responses to the applicant. The main points of this advice are summarised as follows:
- Site would not be removed from the green belt until the Local Plan is adopted. Technical assessment (for proposed Local Plan allocation) scores “amber” in relation to transport (regarding visibility splays), flood risk and drainage (regarding potential topographical issues), other constraints (regarding the high risk coal area) and green belt (although the assessment notes that the site is reasonably well-contained, with development to the north and west).
 - Consideration should be given to how the land to the south could be developed.
 - Single access to entire proposed site allocation should be explored. Proposed 29 units would achieve a density of over 35 units per hectare, however policy PLP7 would not be met as development of land to the south has not been considered.
 - 20% affordable housing required. This should be indistinguishable from market housing.

- Visibility splay of 2.4m x 43m required at site entrance. Advice provided regarding parking provision, and driveway and garage sizes. Electric vehicle charging points required. Internal road should be designed to maintain vehicle speeds of no more than 15mph – this could be achieved using horizontal traffic calming measures. Junction radius of internal turning heads should be chamfered. Swept paths for a 11.85m long refuse collection vehicle should be demonstrated at the site access and internally. A stage 1 safety audit and designer's response should be provided. Construction management plan required. Connection to adjacent footpath required. WYCA would be consulted at application stage and may request a contribution towards Metro cards. Detailed advice provided regarding the design of internal roads.
- Site is in Flood Zone 1. There is a minimal risk from surface water at the site. The nearest watercourse poses no risk to the site. There have been no recorded flood incidents in the area that would impact upon the site. Site may be suitable for infiltration drainage. If infiltration is not possible, connection to an existing watercourse should be investigated, although this appears to not be viable. A sewer connection may be possible, however this would involve some of the site being drained through third party land to the south. Attenuation must store the critical 1 in 30 year storm. Volumes generated by storms up to and including the 1 in 100 (+30% climate change) storm also has to be stored on site. This storage may need to be underground. Attenuation spans greater than 1500mm under highways would preclude adoption. Arrangements for maintenance and management of drainage system required. Temporary drainage measures required during construction phase.
- No open space proposed on-site, however site is within walking distance of Baildon Way and Skelmanthorpe Recreation Ground. 870sqm of open space required, equivalent to an off-site contribution of £77,050. Landscaping should address green belt edge and adjacent wildlife designations and public footpath. Green Streets principles should be applied. Adequate bin storage required.
- Area is suitable for roosting and foraging bats. Parts of Kirklees Wildlife Habitat Network are nearby. Preliminary Ecological Appraisal required. Ecological Impact Assessment may be required.
- Conditions regarding site contamination, noise and air quality would be necessary.

5.2 A pre-application meeting was held on 26/09/2018, attended by the applicant, the case officer, a Highways Development Management officer, and Ward Cllr Graham Turner.

5.3 As set out in section 8.0 of the applicant's Design and Access Statement, the applicant distributed letters among local residents prior to submitting the current application. Approximately 50 letters were distributed, and no responses were received by the applicant.

5.4 During the life of the current application, 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.

5.5 The applicant submitted an amended layout, and further information regarding affordable housing, drainage, unit sizes, gas monitoring and trees during the life of the current application. An Ecological Impact Assessment was also submitted.

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)
- Highway 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 05/06/2019, an advertisement in the local press dated 07/06/2019, 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 28/06/2019.

7.3 36 representations were received from occupants of neighbouring properties and the Upper Dearne Valley Environmental Trust (UDVET). These have been posted online. The following is a summary of the points raised:

- Objection to principle of development here. Objection to loss of green belt land. Brownfield sites should be prioritised for development. Greenside Mill site already has outline permission for residential development, and should be developed first.
- Previous applications for adjacent land have been refused, and so should current application.
- Proposed development is not lawful.
- Proposed development would set a dangerous precedent.
- Proposed dwellings are not needed. Existing dwellings cannot be sold, and neither would the proposed dwellings. Birdsedge requires additional housing, Skelmanthorpe does not. Real housing need in the area should be reassessed. Already an oversupply of four- and five-bedroom dwellings in the area.
- Skelmanthorpe is full, overdeveloped and overpopulated.
- Adverse impact on character of Skelmanthorpe. Sleepy village would become unrecognisable. Village is becoming a small suburb.
- Injury to rural character of surrounding countryside.
- Density too high, including when compared with adjacent scheme. Exceeds relevant Local Plan policy. Unit numbers should be reduced.
- Proposed dwelling design would stand out. Integrated design across both sites is needed to achieve a more coherent and acceptable appearance. Design mistakes of Standback Way and Baildon Way should not be repeated.
- Design of housing is appropriate to area, and is welcomed.
- Elevations for plots 8 to 22 and 26 to 30 are missing.
- Site's dry stone boundary has been removed and industrial fencing erected without permission.
- Dwellings would be elevated and would tower over existing properties due to topography, and wouldn't be softened by trees and greenery. Three-storey properties would be imposing.
- Two- and three-bedroom semi-detached and detached bungalows are needed.
- Affordable housing welcomed.
- Proposed development is unsustainable. Local Plan proposes an unsustainable amount of housing development in the Dearne Valley between Clayton West and Denby Dale. Car-dependent housing in outlying areas should not be encouraged.
- Dearne Valley Area Masterplan needed. Planning applications should not be considered in isolation. Cumulative impacts need to be assessed.
- Highways concerns. Increased congestion. Other developments would place heavy demand on roads. Station Road unable to carry additional traffic. Increased rat running on Station Road for the motorway network. Parked vehicles already narrow Station Road, preventing two-way traffic.

Road narrows and lacks pavement at Park Gate, where pedestrians are already forced into the road and near misses occur. Blind bend exists to north. Carriageway of Station Road already in poor condition. Objection to two access roads onto Station Road. Increased risk of major accident. Pedestrians would have to cross additional entrances in addition to existing streets and driveways. Adequacy of visibility splays and turning space questioned. Highway safety concerns regarding Station Road / Commercial Road junction. Adequacy, independence and reliability of applicant's highways information is questioned – this information should be prepared by the council. Transport Assessment does not accurately describe the current highway situation, omits information and uses unrepresentative data and traffic flow predictions. Cycling is not an option for travelling to work for residents. 120 additional vehicle movements per day are more likely than applicant's projections. Inadequate visitor parking proposed. Garages too small for modern cars and are likely to be used for storage. Parking will overspill onto Station Road. Shops in Skelmanthorpe already lack parking. Construction traffic would create highway safety risks.

- Link to adjacent footpath supported. Children will be able to get to school via less busy roads. Link would be well-used by many different age groups.
- Drainage and flood risk concerns. Existing flood risk at Park Gate would increase. Baildon Dike has recently been a raging torrent. Local gullies and drains are inadequate or become blocked. Objection to two attenuation systems would releasing water into existing sewer. Both sites together would discharge 7 litres per second into the sewer, and old pipe would not be able to cope. Runoff in a storm would be 15.5 litres per second. Connection to sewer should be a last option. Mitigation schemes cannot cope with climate change which has increased peak rainfall. Baildon Way attenuation is inadequate. Attenuation tanks can fail. Maintenance of drainage needs to be secured. Support call for both sites to be considered together. Flood Risk Assessment for all of allocated site is needed. Objection to reduction in permeable area. Nearby owners won't be able to obtain mortgages or insurance due to increased flood risk.
- Existing sewers cannot cope with foul water. Sewer running from Park Gate to Scisset overflows into watercourses.
- Loss of sunlight to adjacent dwelling, resulting in increased heating bills.
- Loss of privacy.
- Loss of view.
- Loss of amenity caused by car headlights shining into Haigh Row properties opposite.
- Noise and disruption during construction.
- Loss of site's existing trees
- Impact on wildlife. Trees and bushes have been felled during bird nesting season. Barn owls, kestrels, buzzards, bats and newts use the site. Applicant's report was prepared in winter.
- Trees at rear of site need protecting.
- Noise and pollution caused by parking spaces close to adjacent dwellings.
- Adverse impact on air quality. Loss of green space would affect air quality.
- Dust during construction work
- Inadequate local doctor, dentist and school provision.
- Adverse impact on property values.
- Neighbour did not receive applicant's pre-application letter.
- No site notices had been posted by 31/05/2019. Nobody is aware of the proposed development.

- Requested education contribution has been based on only 23 dwellings. School place projections questioned as they appear to not make provision for housebuilding proposed in Local Plan. Higher contribution should be sought.
- Query as to how education contribution could be awarded to schools that are not in local authority control, and how money would not be spent in other areas of Kirklees.
- Query as to why applicant is not required to contribute at Community Infrastructure Levy rates.

7.4 Cllr Turner and Cllr Simpson commented at application stage. Their comments will be reported in the committee update.

7.5 Denby Dale Parish Council objected to the proposed development, making the following four points:

- 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) *The geographical description of the site is inaccurate – the development would be on a significant slope.*
- 4) *The statement also fails to mention the vehicle access via the north end of Station Road where there is already a high volume of traffic every day.*

7.6 Amendments made to the proposals during the life of the current application did not necessitate public reconsultation.

7.7 Responses to the above comments are set out later in this report.

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:

Coal Authority – Earlier objection withdrawn. No objection, on the basis that the results of an intrusive site investigation discount any risks posed by shallow coal mining. Particular attention to foundation design will be necessary to address stability risks. Condition recommended.

Yorkshire Water – 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 – Proposed development is acceptable from a highways perspective. Applicant has demonstrated internal turning for a 11.85m long refuse vehicle (and smaller vehicles), the 2.4m x 43m visibility splays required for a 30mph road, and adequate parking provision in compliance with the council's Highway Design Guide SPD. The anticipated trip generation of 23-25 movements in the a.m. and p.m. peak hours would not severely impact on the local highway network. Conditions recommended regarding access sightlines, internal adoptable roads and construction access.

KC Lead Local Flood Authority – Further information required regarding:

- 1) the condition and capacity of an existing highway drain under Station Road, leading to a watercourse; and
- 2) an examination of the scope for a drainage masterplan (with adjacent allocated sites) to minimise the impact of cumulative development from smaller parcels of land with separate drainage connections.

Applicant's conclusion that infiltration techniques are unsuitable is noted. A highway drain immediately outside the site may allow an indirect connection to a watercourse (Baildon Dike). LLFA favours a connection to this watercourse on the downstream side of the bridge. A camera survey of this highway drain to its outfall is required, along with a study of its capacity.

To avoid cumulative impacts any attenuation must also facilitate the draining of the adjacent site to the south. Alternatively, a 3.5 litres per second connection to the sewer would allow suitable attenuation to be accommodated on site.

Drainage maintenance must be secured via a Section 106 agreement.

Regarding flood routing, a study of proposed road levels, exceedance events and blockage scenarios is required to demonstrate that surface water flow into curtilages would be avoided, and that the estate road would act as a safe conduit onto Station Road, thus providing a defence to existing properties immediately to the north. Agree that new dwellings should be 300mm above surrounding ground levels to protect from surface water flooding.

Details of temporary drainage measures required.

8.2 **Non-statutory:**

KC Biodiversity Officer – Applicant's Ecological Impact Assessment (EclA) addresses concerns regarding the absence of necessary survey information, although photographic evidence suggests the bat roost potential of the mature oaks at the southeast of the site is high, rather than moderate. Concerns relating to the TPO-protected mature oaks have not been addressed – an undeveloped buffer should be provided to ensure these important ecological features are not impacted. Pre-commencement condition regarding ecological mitigation and enhancement (through an Ecological Design Strategy) is necessary. Depending on the final layout, and if significant ongoing management of vegetation is required as mitigation, it may be necessary to condition a Landscape and Ecological Management Plan instead of an

Ecological Design Strategy. Applicant's ecological mitigation and enhancement measures are generally supported, although it is noted that the EclA states that native hedgerows would form the site boundary, contrary to what is shown on the applicant's drawings.

KC Education – Education contribution of £41,960 required.

KC Environmental Health – Phase I part of applicant's contaminated land report accepted, however phase II cannot be accepted until gas monitoring has been completed. Conditions recommended regarding site contamination, noise (to protect new residents from noise from the Kirklees Light Railway), air quality (electric vehicle charging points) and dust. Advice also provided regarding hours of noisy works.

KC Landscape – Amenity green space will be required to meet the needs of the proposed development and to make the development acceptable. The 30 units proposed triggers the requirement for four of the five open space typologies, as well as the need for a Local Area of Play. Allotments are not triggered as the proposed development has fewer than 50 dwellings. Denby Dale ward is deficient in quantity for parks and recreation grounds. There is no natural or semi-natural green space in Skelmanthorpe. No on-site green space is proposed, therefore a £56,541 off-site contribution required. Existing open space facilities in the area are within walking distance, would benefit from enhancement to meet the needs of new residents.

Proposed layout could make better use of the entire allocated site, with a loop layout which would be more dementia-friendly and would reduce the need for reversing. There is more opportunity for street planting (preferably native), especially towards the site boundaries. Ornamental planting in gardens could create a diverse range of habitats to support wildlife and be visually interesting. Large areas of hard surfacing could be broken up by soft landscaping. Link to public footpath is welcomed, although it could have a better setting, better visibility and natural surveillance.

KC Planning Policy – Both applications cover the majority of site allocation HS134. Principle of residential development at the site has been established. Site allocation notes constraints, and assumes a capacity of 44 dwellings (based on a density of 35 dwellings per hectare). The two proposed layouts are poorly related to each other, and need to have regard to Local Plan policies LP5, LP7 and LP24. A masterplan would be appropriate. Two distinct layouts with differing densities and house types are proposed. Proposals lack permeable and interconnected streets. A masterplanning approach could explore whether one access point for the entire site would be appropriate, or whether the two planned access points could form part of a joined-up street layout. Neither proposal provides any public open space, and such provision could be explored. Together, the two proposals would achieve a density of 31 units per hectare, below the expectation of Local Plan policy LP7. A masterplan for the allocated site could seek a density of 35 units per hectare and on-site open space. 20% affordable housing requirement should apply across the allocated site. Local Plan policies LP11, LP28 and LP63 are also relevant.

KC Strategic Housing – 20% affordable housing required. On-site provision is preferred. In Kirklees Rural East there is a significant need for 1- and 2-bedroom affordable housing, as well as a need for 3-bedroom (and larger) affordable housing and 1- and 2-bedroom housing specifically for older people. Proposed development should provide six affordable dwellings of any size (1-bedroom or larger). Applicant proposes starter homes, however three social/affordable rent and three intermediate dwellings should be provided, as this would increase the type of affordable housing needed in the area.

KC Trees – No objection to principle of development, however proposed dwellings at southeast corner of the site would be too close to the adjacent TPO-protected trees. This would cause long-term conflicts between the trees and future occupants, related to shade and leaf litter. Plot 23 would have limited usable outside amenity space that is not dominated by the trees, and the property's rear windows would be shaded. The affected trees are three mature oaks which are prominent features of the local landscape and are associated with the Wildlife Habitat Network. Proposed development does not comply with Local Plan policies LP24 and LP33. Arboricultural Impact Assessment required, including an assessment of shade. This information should then be used to amend the proposed layout to avoid conflicts with the trees. Once the layout is amended, an Arboricultural Method Statement will be required.

West Yorkshire Combined Authority (Metro) – Closest bus stops would benefit from the installation of a real time information display at a cost of £10,000 per bus stop. To encourage the use of sustainable modes of transport, the developer must fund a package of measures. £15,015 contribution towards bus-only residential Metro Cards should be secured.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle. Rear of sides of gardens should not be located adjacent to public footpaths in such a fashion that would enable access to be gained to those gardens. Detailed advice provided regarding boundary treatments, rear access footpaths, side boundaries dividing plots, access gates to rear gardens, trees and vegetation, front boundaries, external lighting, car parking, garages, cycle (and motorcycle) storage, bin stores and alarms.

9.0 MAIN ISSUES

- Land use, principle of development and quantum
- Sustainability and climate change
- 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, principle of development and quantum

- 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 and reliance on windfall sites, 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 30 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 30 units proposed in a site of 0.81 hectares, a density of approximately 37 units per hectare would be achieved. This 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.

- 10.8 The Upper Dearne Valley Environmental Trust (UDVET) have stated that a Dearne Valley Area Masterplan is needed before decisions on such planning applications can be made. It is noted, however, that the recently-adopted Local Plan provides an informed, sound basis for the planning and development of the borough. No Neighbourhood Plan has been prepared for Skelmanthorpe by local organisations.

Sustainability and climate change

- 10.9 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.
- 10.10 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.
- 10.11 Regarding climate change, measures would be necessary to encourage residents of the proposed development to use 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.
- 10.12 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.

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 The application relates to the larger part of site allocation HS134. Current application ref: 2019/90183 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. In this particular case, there is less of a need for masterplanning in relation to some matters, given that both sites can be provided with their own vehicular access points and drainage connections, and given that on-site provision of open space is not preferred. 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, complimentary 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 For the larger site, various alternative layouts were considered by officers and the applicant teams in an attempt to secure a single vehicular entrance from Station Road, or two vehicular entrances with an internal connection. This, however, has proved not possible due to the site's challenging topography – the larger site already has north-south gradients of 1:9, preventing the applicant teams from proposing a P-shaped (loop) or U-shaped road layout across the allocated site with acceptable gradients in compliance with the council's Highway Design Guide.
- 10.19 Officers and the applicant teams also considered proposing a layout that would complete a perimeter block with existing adjacent dwellings, so that new dwellings would back onto 58-68 Station Road. This, however, would prevent drainage attenuation and a connection to the combined sewer or highway drain being provided in the more appropriate location, and space needs to be maintained to the rear of 58-68 Station Road in any case, due to the short gardens those existing dwellings have. Given these considerations, it is accepted that the northwest corner of the site is the most suitable location for the proposed development's new vehicular entrance, in design terms. To prevent the rear gardens of 58-68 Station Road being exposed to public access, space for defensive planting along the site boundary is proposed here.

- 10.20 From the new vehicular entrance, a new estate road would extend through the site. Dwellings would be arranged around this new road, with two private drives extending from it. Seven dwellings would line and face Station Road – this is considered acceptable, given that dwellings should address the most important street they abut, where possible.
- 10.21 Pedestrian connections to the site to the south, and to public footpath DEN/28/10, are proposed. Rear garden gates are proposed for units 19 to 22, providing access to the estate road of the adjacent proposed development. The internal layout of the adjacent scheme will need to be amended to accommodate access to these garden gates.
- 10.22 The applicant's supporting information includes a description of the episodic experiences that each of development's various spaces would create, and it is encouraging to see thought being given to the everyday interactions residents would have with this new environment, as well as to the importance of character, visual interest and variety.
- 10.23 Flood routing is an important consideration relevant to layout, particularly at sites such as this where there are existing residential properties downhill. The applicant has confirmed that new dwellings should be elevated sufficiently above surrounding land to ensure surface water does not enter during heavy downpours. In addition, having regard to the site's topography, it is considered that the proposed estate road can be designed (with appropriate kerb upstands) to ensure surface water is directed away from existing and proposed residential curtilages.
- 10.24 In the proposed layout, some rear and side garden boundaries would be exposed to public access. Some such exposure is unavoidable given the constraints of the site, and a condition related to crime and anti-social behaviour prevention measures is recommended. Smaller outdoor spaces around the site will also need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping.
- 10.25 Off-street car parking is proposed in front or side driveways, in a rear parking court, or in integral or attached garages. No parking spaces are proposed in front of the seven units that would line Station Road. With appropriate landscaping, the car parking proposed elsewhere in the site would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.26 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

- 10.27 Twelve house types are proposed, and further variations within these house types are also proposed. All dwellings would be two storeys in height, although the four semi-detached houses would have two-storey rear elevations and three-storey front elevations, due to topography. This is considered acceptable, as the three-storey elevations would be located close to the centre of the site allocation, and would be partly screened by other dwellings. Pitched roofs, front gables, arched stone entrances, windows with vertical emphases within window openings with horizontal emphases, kneelers and quoin detailing are proposed – all of these features would help the proposed development sit comfortably within its context, and are considered appropriate.
- 10.28 Natural stone elevations (including stone lintels, cills and quoins), natural slate roofs, UPVC windows and GRP composite doors are proposed. These are considered appropriate materials for this site. A condition requiring the submission of details and samples of all external materials is recommended.
- 10.29 The applicant has given early thought to boundary treatments, which is welcomed. A mix of 1.8m stone walls, 1.8m close boarded fencing (incorporating latticing), 1.2m vertical railings, 1.2m post and rail fences and 0.9m dry stone walls are proposed. While much of these proposals are considered appropriate for this site, further consideration of the proposed boundary treatments will be necessary (having regard to the visibility of each part of the development from public vantage points such as the adjacent public footpath), and a condition requiring details of boundary treatments is recommended.
- 10.30 The applicant is currently negotiating with Northern Powergrid to agree the removal of pylons and the undergrounding of the overhead electricity lines that cross the allocated site as part of the proposed developments.
- 10.31 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.32 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.
- 10.33 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.34 Residents of Haigh Row have expressed concern regarding headlights (of cars leaving the proposed development) shining into their properties. This is acknowledged as a potential impact (and, therefore, attracts some negative weight), however the impact would be momentary, it would only happen when vehicles are moved during dark hours, and it is therefore not considered so problematic as to warrant refusal of permission or further amendments to the proposed layout. Headlights momentarily shining on a property opposite a street entrance in this way is not an uncommon occurrence, and this impact is unavoidable if any part of the allocated site is to be developed, as there are existing dwellings opposite the site's entire Station Road frontage.

- 10.35 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.
- 10.36 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 Seven one-bedroom, three two-bedroom, 13 three-bedroom and seven four-bedroom dwellings are proposed. This unit size mix would cater for a range of household sizes, would help create a mixed and balanced community, would help avoid visual monotony across the site, and is welcomed.
- 10.39 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. All of the 30 proposed dwellings would meet these standards.
- 10.40 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.41 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although the largest units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.42 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.43 No publicly-accessible on-site open space is proposed. This is considered acceptable, given the site's topographical constraints and the need to accommodate a sufficient number of dwellings (of an acceptable design and level of amenity). The applicant's approach to open space will, however, necessitate a financial contribution towards off-site open space. For a development of 30 dwellings in this part of the allocated site (HS134), a contribution of £56,541 would be required. This would include funding for a Local Area of Play.

- 10.44 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, landscaping and management. Details of the proposed pedestrian connections to the adjacent site and public footpath would also be required.
- 10.45 A condition regarding noise (to protect new residents from noise from the Kirklees Light Railway) is recommended.

Affordable housing

- 10.46 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.
- 10.47 Six of the proposed 30 units would be affordable. In terms of unit numbers, this represents a 20% provision, which meets the requirement of policy LP11 of the KLP. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.48 The applicant has stated that the six affordable units would be starter homes, whereas the council's preferred tenure mix is 55% social or affordable rent / 45% intermediate. No financial viability evidence has been submitted by the applicant, and some of the applicant's justification for the proposed tenure mix relates to the applicant's preferred business model and carries no material planning weight, however the applicant has also argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes under construction at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. The applicant's proposed deviation from the council's preferred tenure mix therefore only attracts limited negative weight.
- 10.49 All six starter homes would be located along the site's street frontage, and would be one-bedroom units. A wider range of affordable unit sizes and better distribution across the application site would have been preferred, however given the numbers of units involved (six of 30) and the size of the site, it is not considered necessary to seek redistribution of the affordable units. It is also noted that a further group of three affordable units is proposed in the adjacent site (ref: 2019/90183), so that two groups of affordable units would be provided across the allocated site. The applicant's proposed affordable unit sizes relate to their tenure and intended affordability to first-time buyers, however it is noted that not all starter homes are occupied by one- or two-person households, and the limited range of affordable unit sizes attracts negative weight (albeit limited).

- 10.50 Although the proposed affordable provision would include the development's smallest units, the same materials and detailing is proposed for all dwellings, which to an extent would help ensure the affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.51 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.
- 10.52 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 of the NPPF 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.
- 10.53 The application site has a frontage to Station Road approximately 53m 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.
- 10.54 All 30 dwellings would be accessed via a single, new vehicular entrance at the application site's northwest corner. In addition, the development proposed in the adjacent site (ref: 2019/90183) would introduce another vehicular entrance further along Station Road to the south. While the concerns of Members regarding the proposed two accesses are noted, and while it would indeed be preferable to have a single vehicular access point serving both developments, the applicant has demonstrated that this would not be possible (whilst achieving acceptable gradients for the estate road(s) in compliance with the council's Highway Design Guide SPD) due to the site's challenging topography. Highways Development Management Officers have not raised safety concerns in relation to the proposed two access points.
- 10.55 Adequate 2.4m x 43m visibility splays are proposed at the site's entrance. This is as required by Manual for Streets for a 30mph road. A condition, requiring these sightlines to be provided prior to commencement of development, is recommended.
- 10.56 Regarding the proposed development's internal arrangements, the proposed layout is compliant with the council's Highway Design Guide, and has not attracted objections from Highways Development Management (HDM) officers. The applicant has demonstrated sufficient internal turning space for an 11.85m long refuse vehicle (and smaller vehicles). A condition regarding internal adoptable roads is recommended.

- 10.57 The anticipated trip generation of 23 to 25 movements in the a.m. and p.m. peak hours is not considered significant in the context of local highway capacity. The concerns expressed by residents regarding existing congestion, on-street parking, and the pinch point and bend in Station Road close to Park Gate are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movements.
- 10.58 The West Yorkshire Combined Authority (WYCA) has advised that measures are required to ensure that residents of the proposed development are encouraged and enabled to use sustainable modes of transport. To achieve this, WYCA have advised that the bus stops closest to the application site would benefit from the installation of real time information displays at a cost of £10,000 per bus stop. Two bus stops on Commercial Road are referred to in WYCA's advice. WYCA have also advised that a £15,015 contribution towards bus-only residential Metro Cards should be secured. These measures would be directly related to the proposed development, and are considered necessary to help ensure the proposed development meets the requirements of Local Plan policy LP20. It is therefore recommended that they be secured via a Section 106 agreement.
- 10.59 It is also recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, again to ensure the use of sustainable modes of transport is encouraged and enabled. Should residential development be granted at the adjacent site to the south, the Travel Plan should also apply to that development. Travel Plan monitoring fees would also need to be secured.
- 10.60 Public footpath DEN/28/10 runs along the site's northeast edge. This footpath has potential for greater use, as it provides a route from the northern parts of Skelmanthorpe (via Marsden Street and Saville Road) to the school and other local facilities (including existing and proposed sections of the Core Walking and Cycling Network) to the southeast, passing through the Greenside Mill site (where outline planning permission for residential development has been granted, with an indicative plan illustrating 55 homes and an on-site open space – ref: 2018/91787), and avoiding the traffic of Station Road.
- 10.61 A pedestrian connection between the proposed development's estate road and this footpath is appropriate. Although this connection would need to be stepped (due to topography) and would pass between the garage of unit 25 and the side elevation of unit 26 (thus necessitating additional windows to ensure good natural surveillance), it would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed.
- 10.62 Acceptable off-street parking is proposed for the proposed residential units in accordance with Council's Highway Design Guide. Paragraph 5.4 of the Council's Highway Design Guide states that in most circumstances, one visitor parking space per four dwellings is considered appropriate, and although only four visitor parking spaces are shown on the applicant's drawings, this has not attracted an objection from Highways Development Management officers.
- 10.63 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.

- 10.64 Storage space for three bins, and refuse collection points, will be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways.
- 10.65 Details of means of access to the site for construction traffic would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.

Flood risk and drainage issues

- 10.66 The site is within Flood Zone 1. The site generally slopes downhill from the south to the north. The nearest watercourse is Baildon Dike, approximately 165m to the north, where the Environment Agency monitors water levels and a flood warning system is in operation.
- 10.67 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant. This states that the site is not suitable for infiltration systems of surface water disposal, and recommends the implementation of an attenuated drainage system that would discharge to the combined sewer at a rate of 3.5 litres per second. Attenuation pipes, with a 1350mm diameter, are proposed beneath the development's estate road, and these would connect with the combined sewer close to the site's northwest corner.
- 10.68 It is accepted that the site is not suitable for infiltration systems as a means of disposal of surface water. Having regard to the drainage hierarchy, the next preferred option should be the disposal of surface water to a nearby watercourse. The Lead Local Flood Authority (LLFA) have highlighted that an existing highway drain runs beneath Station Road, and that this in turn connects to the nearest watercourse (Baildon Dike) to the north. The highway drain could, therefore, be suitable for draining the application site, and the LLFA have recommended that the condition and capacity of this highway drain be investigated. The onus for carrying out this investigation falls on the applicant and the applicant is willing to do this work. It is recommended that if it is demonstrated that the highway drain is suitable for use (and discharges to Baildon Dike on the downstream side of the road bridge, so that flood risk to dwellings close to the watercourse is not increased), the agreement of details of this drainage system be delegated to officers.
- 10.69 If, however, the highway drain proves not to be suitable, it is recommended that a connection to the combined sewer (attenuated to 3.5 litres per second) be accepted. This would effectively mean reverting to the applicant's current drainage proposal. The applicant has, however, advised (at a meeting held on 17/12/2019) that connection to either the highway drain or the combined sewer is acceptable, and that the applicant will follow the advice of the LLFA.

- 10.70 The LLFA have also advised that a drainage masterplan for both sites would be appropriate, to ensure the impact of cumulative development (from smaller parcels of land with separate drainage connections to the highway drain) is minimised. While this would indeed be preferable (and is another aspect of an appropriate, masterplanned approach to sites as encouraged by Local Plan policy LP5), it must be noted that both sites have a street frontage and can be provided with their own drainage connections. The two applicant teams have discussed a joint drainage strategy, however neither party wishes to be beholden to the other in relation to their outfall solution, and it is accepted that a ransom scenario should not be created by the council's decisions on the two current applications. The applicant has also stated that the parties' development programmes and timings are likely to be different, which further supports an argument for not securing a drainage masterplan for the entire allocated site.
- 10.71 It is recommended that further information regarding flood routing be secured by condition. The required information would need to include a study of proposed road levels, exceedance events and blockage scenarios, to demonstrate that surface water flow into curtilages would be avoided, and that the proposed development's estate road would act as a safe conduit onto Station Road, thus providing a defence to existing properties immediately to the north. The applicant's recommendation that new dwellings should be 300mm above surrounding ground levels to protect them from surface water flooding is accepted.
- 10.72 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement.
- 10.73 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.74 Foul water from the proposed development would discharge to the existing sewer beneath Station Road. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees and ecological considerations

- 10.75 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 at the south corner of the site. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south. Residents have highlighted some of the wildlife that use or visit the application site, and it is additionally noted that the three mature oak trees to the southeast of the site have potential suitability for bat roosting, are prominent features of the local landscape, and are associated with the Wildlife Habitat Network.

- 10.76 The applicant initially submitted a Preliminary Ecological Appraisal, and later submitted an Ecological Impact Assessment (EclA) during the life of the current application. The EclA addresses earlier concerns regarding the absence of necessary survey information, and the applicant's proposed ecological mitigation and enhancement measures are supported. A pre-commencement condition regarding ecological mitigation and enhancement (either through an Ecological Design Strategy or Landscape and Ecological Management Plan, subject to further advice from the council's Biodiversity Officer) is recommended. Details to be submitted pursuant to this condition would need to demonstrate that a biodiversity net gain would be achieved at the application site. Details to be submitted pursuant to a recommended landscaping condition would need to correct a discrepancy between the EclA (which states that native hedgerows would form the site boundary) and the applicant's drawings.
- 10.77 Tree Preservation Order 11/19/g1 was served during the life of the application. This relates to the three mature oak trees to the southeast of the application site. Dwellings at southeast corner of the site would come too close to these trees, and this proximity would cause long-term conflicts between the trees and future occupants in relation to shade and leaf litter. Plot 23 would have limited usable outside amenity space that is not dominated by the trees, and the property's rear windows would be shaded. The applicant has submitted a response that does not fully allay these concerns, and it is recommended that the securing of amendments at the southeast corner of the site (to the design of unit 23, and the garage of unit 24, to minimise the potential for tree-related conflicts and to additionally provide an undeveloped buffer to ensure these important ecological features are not impacted) be delegated to officers at conditions stage.
- 10.78 A further condition is recommended, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan.

Environmental and public health

- 10.79 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. 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.
- 10.80 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 to 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.
- 10.81 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.

Ground conditions

- 10.82 Regarding site contamination, the applicant's Geo-environmental Ground Investigation Report is considered acceptable as a phase I report, however phase II (site investigation) cannot be discharged until acceptable gas monitoring has been completed. During the life of the application the applicant submitted information regarding ground gas, and further comments of Environmental Health officers have been sought. Relevant conditions are recommended, although some may prove unnecessary in light of forthcoming Environmental Health comments.
- 10.83 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. The applicant's Geo-environmental Ground Investigation Report included a coal mining risk assessment which satisfied the Coal Authority's earlier concerns. The Coal Authority noted that the results of an intrusive site investigation discounted any risks posed by shallow coal mining, commented that particular attention to foundation design will be necessary to address stability risks, and recommended a relevant condition regarding the site's coal mining legacy.

Representations

- 10.84 A total of 36 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.85 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- Affordable housing – six affordable housing units (starter homes) to be provided in perpetuity.
 - Open space – Off-site contribution of £56,541 to address shortfalls in specific open space typologies.
 - Education – Contribution of £41,960.
 - Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £15,015 contribution towards Metro Cards, a £20,000 contribution towards the provision of real-time information displays at bus stops, the submission of a Travel Plan, and 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).

- 10.86 The above education contribution has been queried by the Upper Dearne Valley Environmental Trust (UDVET). To clarify, although 30 dwellings are proposed, education contributions are calculated based on the number of proposed dwellings with two or more bedrooms. In this scheme, 23 such dwellings are proposed.
- 10.87 The Community Infrastructure Levy (CIL) is not yet adopted in Kirklees, therefore the council is unable to secure contributions at CIL rates at this stage.
- 10.88 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.

Other planning matters

- 10.89 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary 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.
- 10.90 The impact of the proposed development upon local property prices is not a material planning consideration.
- 10.91 One resident has objected on loss of view grounds. It is noted, however, that while the protection of outlook is a matter relevant to planning, private views across land controlled by other parties are not protected.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS134, and the principle of residential development at this site is considered acceptable.
- 11.2 The applicant's proposed affordable housing provision does not fully accord with known needs as set out in the council's Strategic Housing Market Assessment, and this attracts some negative weight in the balance of relevant planning considerations. The proposed development's benefits (including the provision of 30 dwellings of which six starter homes, construction-phase employment, planning obligations that would benefit the public as well as residents of the development, and the required biodiversity net gain), however, attract significant positive weight.
- 11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), adjacent developable land, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage.

- 11.4 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction Management Plan.
4. Provision of visibility splays.
5. Submission of details relating to internal adoptable roads.
6. Cycle parking provision to be provided within the site.
7. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
8. Provision of waste storage and collection.
9. Submission of an Arboricultural Method Statement and Tree Protection Plan.
10. Details of tree-related amendments (plots 23 and 24).
11. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
12. Submission of Flood Risk and Drainage details.
13. Site to be developed by separate systems of drainage for foul and surface water on and off site.
14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
15. Submission of an Intrusive Site Investigation Report (Phase II Report).
16. Submission of Remediation Strategy.
17. Implementation of Remediation Strategy.
18. Submission of Validation Report.
19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise from the Kirklees Light Railway.

20. Crime prevention measures.
21. External materials.
22. Boundary treatments.
23. External lighting.
24. Full Landscaping scheme.
25. Biodiversity enhancement, net gain and Ecological Design Strategy /
Landscape and Ecological Management Plan
26. Removal of permitted development rights.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91657>

Certificate of Ownership – Certificate B signed