
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Aug-2020

Subject: Planning Application 2019/91778 Erection of 30 dwellings and formation of new vehicular and pedestrian access from Tinker Lane land north of, Tinker Lane, Lepton, Huddersfield, HD8 0LR

APPLICANT

B Marsden

DATE VALID

06-Jun-2019

TARGET DATE

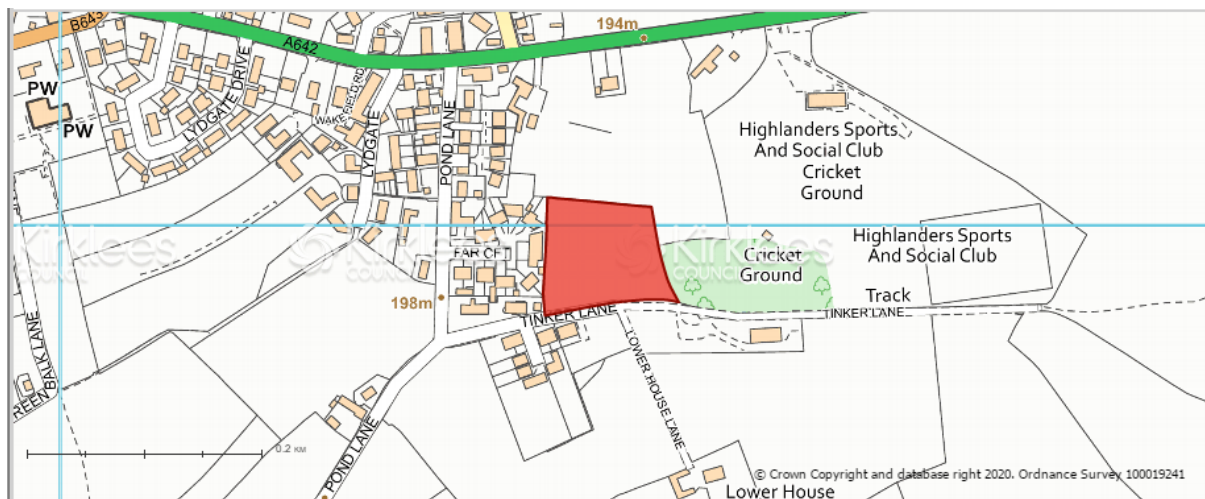
05-Sep-2019

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 wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

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 S106 agreement to cover the following matters:

1. Six affordable dwellings on site (three social rent and three starter homes)
2. Education contribution (£53,190)
3. Open space contribution (£56,541)
4. Sustainable travel fund contribution (£15,000)
5. Arrangements for future maintenance and management of the surface water drainage infrastructure

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Planning Committee because the site exceeds 0.5 hectares in size. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of a roughly square shaped field on the northern side of Tinker Lane, Lepton. The land slopes up gently from the north western corner of the site (low point) to the south eastern corner (high point). The site is bound to the north and south by a hedgerow. The western boundary borders onto neighbouring gardens where there is a mixture of hedging, stone walling and timber fencing. The eastern boundary has a combination of a timber post and rail fence and a low drystone stone wall. There are some overhead powerlines that cross the site on a north-south axis.
- 2.2 There are residential properties to the west and to the southwest of the site and an open field to the north which also wraps around part of the eastern boundary. There is a small area of woodland which abuts the remainder of the eastern boundary and this woodland is designated as part of the Kirklees Strategic Wildlife Network. Within the wider vicinity is a cricket club that lies towards the east and some isolated farm buildings to the south east.

3.0 PROPOSAL:

- 3.1 Full application for the erection of 30 dwellings.
- 3.2 The proposal comprises of a mixture of detached, semi-detached and terraced dwellings. All of the dwellings have three storeys, with the upper floor being contained within the roof space. It is proposed to face the dwellings in natural stone with an artificial slate tile to the roofs.

- 3.3. Eight of the dwellings have direct access off Tinker Lane with the remainder being served via a single estate road which forms a simple priority junction with Tinker Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

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

- 5.1 The development was subject to a formal pre-application enquiry for the erection of 27 dwellings (reference 2019/20093). This provided advice on, inter alia, the density of development, housing mix, highway matters and drainage issues.
- 5.2 Under the planning application the number of houses has been increased from 28 to 30 in order to meet the council's minimum housing density target and the proportion of different house types has been amended to provide a better mix of properties.
- 5.3 Amendments to the layout and design have also been secured to mitigate the impact on adjacent residential properties and to enhance the appearance of the street scene.
- 5.4 During the course of the application the applicant was obliged to amend the position of the access for the estate road. This was in response to a legal ownership issue that arose with the upper part of Tinker Lane. This consequently had an impact on the layout of the dwellings within the site.
- 5.5 The surface water drainage strategy has been changed from an on-site pumping station connecting to the sewer system in Tinker Lane to a gravity connection to a sewer in Wakefield Road. This involves creating a new sewer connection across third party land to the north. Following comments from the Council's road adoption section the location of attenuation tanks within the site was amended to facilitate future adoption of the estate road. There have also been negotiations in relation to surface water flow routing within the site.
- 5.6 The scheme was amended to address comments from Highways Development Management including in relation to parking and turning space within the site and connectivity between the development and Pond Lane.
- 5.7 Negotiations were undertaken with respect to the number and tenure of the affordable housing offer. This has resulted in a policy compliant 20% offer with a tenure split of three social rent and three starter homes.

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 27th February 2019).

6.2 The site is allocated for housing in the Kirklees Local Plan (site reference HS202).

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing mix and affordable housing

LP20 – Sustainable travel

LP21 – Highway safety and access

LP22 – Parking

LP24 – Design

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP32 – Landscape

LP33 – Trees

LP47 – Healthy, active and safe lifestyles

LP49 – Educational and health care needs

LP63 – New open space

LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

- Highway Design Guide SPD
- Interim Affordable Housing Policy (Approved January 2020)

6.5 National Planning Guidance:

NPPF Chapter 2 - Achieving sustainable development

NPPF Chapter 4 - Decision-making

NPPF Chapter 5 - Delivering a sufficient supply of homes

NPPF Chapter 8 - Promoting healthy and safe communities

NPPF Chapter 9 - Promoting sustainable transport

NPPF Chapter 11 - Making effective use of land

NPPF Chapter 12 - Achieving well-designed places

NPPF Chapter 15 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially advertised by site notices, press advert and neighbour notification letters. A further round of publicity was undertaken in February 2020 following a number of substantive amendments to the plans and the submission of additional information.

7.2 A total of 118 representations have been received in response to the publicity; a number of objectors have made multiple comments. A summary of the comments received is provided as follows:

Highway issues:

- Local road network unsuitable for coping with the additional traffic, in particular:-

- Tinker Lane is a narrow country lane
- Pond Lane is narrow with parked cars and in poor condition in places
- Tinker Lane/Pond Lane junction has poor visibility
- Tinker Lane and part of Pond Lane have no pedestrian facilities
- Access on Tinker Lane can be difficult/dangerous when it is snowy/icy
- Exiting Far Croft onto Pond Lane is already dangerous
- The nature of Green Balk Lane makes it unsuitable for additional traffic and will become even more dangerous
- History of accidents and near misses on the local highway network
- It is difficult/dangerous when exiting Pond Lane onto Wakefield Road, especially as the junction is opposite a petrol station. Traffic backs up on Pond Lane at peak times.
- Additional congestion on surrounding rounds will compromise highway safety, including for walkers, cyclists and horse riders who use this area.
- Additional parking on Tinker Lane would cause problems for existing residents
- Access for emergency vehicles would be compromised
- Parking restrictions and reduced speed limits should be considered to improve highway safety
- Access should be taken from Wakefield Road
- The proposed off-site highway works are inadequate
- Insufficient parking space provided; this will encourage parking on Tinker Lane which will potentially cause problems for existing residents and service/delivery vehicles
- The veracity of the supporting highway information is questioned
- Further highway surveys/assessment should be carried out by the developer and council
- The route to school for children living on the development will be dangerous

Character/visual amenity:

- Density of development is out of keeping with the surrounding area
- Overdevelopment of the site
- Cramped appearance to the development with limited gardens and greenery
- Prominence of parking to the site frontage
- Dwellings are out of scale with those surrounding
- Proposal will alter the character from a peaceful edge of village location to a housing estate
- Development on the site will result in a loss of natural beauty
- Loss of hedgerows would harm the semi-rural character of the area
- Loss of a greenfield site

Residential amenity:

- Loss of privacy/overlooking of adjacent property
- Overbearing and visually intrusive impact on neighbouring properties on Far Croft
- Impact on view/outlook from existing properties
- The area would become busier, noisier and less private
- Impact on air, noise and light pollution
- Loss of light
- Cramped living conditions for future occupiers

Flood risk and drainage:

- There are existing drainage problems with this site; the site regularly floods and there have been flooding issues with some of the adjacent properties on Far Croft that back onto the site.
- Concerns that development will increase the risk of flooding off-site
- The new properties are at risk of flooding
- Concerns with how foul waste will be disposed of
- There are existing issues with the sewer system
- Alternative sites should be considered on flood risk grounds
- Query who will be responsible for the drainage system
- The proposed drainage easement encroaches onto adjacent property

Ecology:

- The development will have a detrimental impact on a range of wildlife
- The proposed loss of existing hedgerows will harm ecology
- The existing hedgerows are protected and must be retained
- Two of the plots encroach into the retained sections of boundary hedge
- Concerns raised with how the pedestrian connection to Pond Lane will be formed, for example loss of green verges and hedgerows
- Japanese knotweed has been found in the copse of trees adjacent to the site; it was treated but it may not have been eradicated
- No ecological information provided

Other matters:

- Potential land stability issues as a result of the legacy of coal mining activity
- Arsenic has been found in the field
- No recreation facilities in this area
- Potential for anti-social behaviour associated with the residents of the affordable housing
- Likely disruption caused by building works
- Access needs to be maintained to existing property at all times
- Too many large family houses that aren't needed. Smaller properties suitable for older people should be provided
- Power lines cross the site
- The application form contains inaccurate information, for example in relation to the presence of hedgerows and flooding
- Inadequate publicity of the application

- Detrimental impact on climate change
- Brownfield sites should be developed first
- Permission is not given for the developer to carry out any works on adjacent third party land in connection with the relocation of any electricity cables.
- The site is Green Belt and should be protected
- Impact on school places, especially because Almondbury High School is closing
- Impact on local medical centres

7.3 Kirkburton Parish Council – The Parish Council strongly objects to the proposed development on the following grounds:

- Density, which is out of keeping with the area.
- The type of housing, which is inappropriate for this area.
- There are already drainage / flooding problems in this location, which would need to be addressed before construction took place.
- Highways / highways safety: Green Balk Lane and Pond Lane are unsuitable for the expected level of traffic, even with the planned improvements. The junction of Rowley Lane and Wakefield Road already has a high incidence of accidents, which would be likely to rise with the increase in the number of vehicles using the junction.
- Arrangements would need to be made for construction traffic.
- There are concerns about the stability of the proposed houses due to old mine workings.
- The Parish Council would prefer the development to take place on a brownfield site.
- The Parish Council noted that Lepton Vision (the group producing a Neighbourhood Plan for Lepton) had not been informed of this application.

Note: The above comments were made in response to the plans as originally submitted.

7.4 All three ward councillors have expressed an interest in the application and have made comments directly or on behalf of local residents as well as seeking updates on the application.

Councillor Bill Armer:

“Given that this is a housing allocation, options are to some extent limited. I have two initial observations: what about affordable housing?, and I have grave reservations about putting extra traffic into the junction of Pond Lane and Wakefield Road. Can we push for improvements here?”

Councillor John Taylor:

At pre-application stage “My initial concern was the closeness of some of the properties to the houses on Far Croft...I would just want to be satisfied that the distances are acceptable from property numbered 17 to 26 far Croft which seems like the nearest distance now.

I am happy to see the provision for 6 units as affordable & would hope that these could be starter homes as there is a continual need for more of these to help people buy their first home. Can you clarify this for me?

I note that at this stage there is no indication of any section 106 provision, but I am assuming that you will be asking for contributions for schooling and I would agree with my colleague's comment that the access out to Wakefield Road or in the other direction to Rowley Lane are not great so if a contribution could be sought and used to improve either the highway or the footpaths, this would be welcomed."

Additional comments from Councillor Taylor:

"I have been copied in on a letter from one of the residents on Far Croft raising valid concerns about the proposed development on Tinker Lane and I think his local knowledge about the water courses and the surface water run-off and sewerage connectivity questions are deserving of a detailed response.

His issues about this are ones I echo and do lead me to question the approach currently being taken by the developer and would appreciate your thoughts on these. His points about the access and Highways issues are also well made and again I would ask for your thoughts on these, I note that there is not yet a response from the Highways Development Team and I do have grave concerns about the potential impact on what is already a narrow road (Pond Lane) with very little in the way of adequate pavements for pedestrians and of course this is exacerbated by the numbers of cars parked on the road due to properties not having off road parking."

"This is likely to be a contested planning application and we do need to ensure that the final scheme is one that recognises the difficulties this semi-rural location present from a Highways perspective especially."

7.5 The following comments have also been received from Councillor Munro who represents the nearby Almondbury Ward:

"I understand there has been a pre-application meeting. Yet neither the Chair of Lepton Vision or the Lepton Ward/Almondbury Ward councillors were notified.

The proposal to build 5 bedroom houses is not within the spirit of the guidelines laid down by the NPPF. The local road serving the proposed development is a narrow country lane and Green Balk Lane that feeds into it is unsuitable for the amount of vehicles that will emanate from this development. Additionally can road safety measures and a system that will ease access across Wakefield Road be included in any conditions to ensure vehicles can safely cut across at the Wakefield Road/Tinker Lane junction."

7.6 MP Mark Eastwood has also made an enquiry into some of the application details on behalf of a local resident and officers provided a formal response to this.

8.0 CONSULTATION RESPONSES:

The following provides a brief summary of consultee advice. Further details are contained within the appraisal below (section 10).

8.1 Statutory:

KC Highways – No objection subject to conditions

KC Lead Local Flood Authority – No objection subject to conditions

The Coal Authority – No objection

8.2 Non-statutory:

KC Environmental Services – No objection. Conditions are recommended to secure electric vehicle charging points and in relation to the reporting of any unexpected contamination that may be encountered during construction.

KC Trees Officer – No objection to the layout as originally submitted. A condition is recommended requiring the development to be carried out in accordance with the submitted Arboricultural Method Statement.

KC Ecology Unit – Ecological information providing details of any avoidance, mitigation, compensation and measures is required. Following discussion with the Ecology Unit it is considered that an ecological mitigation and enhancement scheme can be conditioned.

KC Strategic Housing – Six affordable homes are required from this development.

KC School Organisation – Contribution of £53,190 required towards secondary school places.

KC Landscape – Off-site contribution of £56,541 required towards play provision within the vicinity of the site required. Condition recommended for hard and soft landscaping details.

Yorkshire Water – No objection.

West Yorkshire Archaeology Advisory Service – There is currently an unknown potential for archaeological remains to be present within the proposed development site and it is therefore recommended that an archaeological evaluation is undertaken. A condition to secure this is recommended.

Yorkshire Wildlife Trust – The application should be supported by an Ecological Impact Assessment.

West Yorkshire Police Architectural Liaison Officer – Security advice provided on the layout, boundary treatments, landscaping, lighting and construction specifications.

9.0 MAIN ISSUES

- Principle of development
- Density and housing mix
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecology and trees
- Planning obligations
- Representations
- Other matters
- Climate change

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated for housing in the Local Plan under reference HS202. The principle of residential development is therefore accepted in accordance with the site's allocation.
- 10.2 The housing allocation has a gross site area of 0.87 hectares and there are no specific constraints to the developable area.
- 10.3 The Local Plan identifies the following general development constraints:
- Tinker Lane to be brought up to adoptable standards
 - The provision of a pedestrian footway is required across the site frontage
 - Culverted watercourse to the north-west boundary of the site
 - Part/all of the site is within a High Risk Coal Referral Area
 - Power lines cross part of the site

The above constraints are discussed later within this appraisal.

Density and housing mix

- 10.4 The allocation has an indicative capacity of 30 dwellings. The proposal as originally submitted was for 28 dwellings but the quantum of development was subsequently increased to 30 dwellings in order to deliver a more efficient use of this allocation and comply with Policy LP7 of the Local Plan, which seeks a minimum density of 35 dwellings per hectare where appropriate.
- 10.5 It is considered that the proposed density of the development is acceptable in this location having regard to the established pattern of development and with respect to Policy LP7 of the Local Plan as well as guidance in chapter 11 of the NPPF which promotes an effective use of land in meeting the need for homes.
- 10.6 The proposed development provides a mixture of property types, with 14 detached dwellings, 10 semi-detached dwellings and 6 terraced houses. The proportion of different property types was amended so as to improve the

overall housing mix and as a result officers consider that the application complies with Policy LP11 of the Local Plan in this regard.

Urban Design issues

- 10.7 The site lies on the easternmost edge of Lepton and is surrounded on three sides by Green Belt land. There is residential development to the western boundary which appears to have been constructed in the 1980s (Far Croft) and comprises of a mixture of two storey properties and dormer bungalows/bungalows. To the southwest of the site, on the opposite side of Tinker Lane, is a group of ten modern dwellings that were built around eight years ago on a site that was previously a farm; a number of these properties front directly onto Tinker Lane and have individual driveways onto Tinker Lane. There are also two bungalows to the west of the site on Tinker Lane.
- 10.8 The proposed dwellings have three storeys, with the upper floor being contained within the roof space. The applicant has sought to minimise the overall height of the dwellings and ensure that there is a proportionate relationship between the eaves and the first floor windows (i.e. avoid an excessive gap between the top of the windows and the eaves). It is considered that this has been successfully achieved by constraining the floor area within the roof space.
- 10.9 There is a consistent design theme across the development. All of the dwellings have pitched roofs and include the same architectural detailing such as quoins and dentils. Just over half of the properties incorporate a projecting front gable which introduces some variety to the street scene.
- 10.10 It is proposed to face the dwellings in natural stone and this is considered to be the most appropriate material given that this development would form the settlement edge to the Green Belt and it would be in keeping with the group of modern dwellings just to the southwest of the site. An artificial slate tile is proposed for the roofing material and officers consider this to be acceptable, especially considering the variety of roofing materials found within the vicinity of the site.
- 10.11 The proposed layout includes a row of dwellings along the site frontage that face onto Tinker Lane, reflecting the modern housing on the opposite side of the road. The layout seeks to mitigate the prominence of the parking for these properties by incorporating soft landscaping between the parking spaces and in the case of plot 5 having a driveway to the side of this dwelling.
- 10.12 There is a substantial hedgerow to the northern boundary of the site which is to be retained, with the exception of a 6m section in the northwest corner where a gated drainage easement is to be provided to the neighbouring land. The retention of the hedge helps to maintain some of the established character of the site and provides a suitable boundary treatment to the Green Belt land beyond. A section of the existing hedgerow to the southern boundary of the site is also to be retained. A condition requiring the retention of these hedgerows is recommended in the interests of the character and visual amenity of the area.
- 10.13 The eastern boundary of the site also forms the edge of the Green Belt and it is important that the boundary treatment responds to this in a sympathetic

manner. A condition requiring details of the boundary treatments is recommended.

- 10.14 Officers consider the scale and design of the development to be acceptable and as such the application accords with Policies LP24 and LP32 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Residential Amenity

- 10.15 The closest residential properties are immediately to the west of the site and on the opposite side of Tinker Lane.
- 10.16 There are properties on Far Croft that back onto the site and are separated by a mixture of hedging and low walls and fences. Plots 1, 11 and 12 are closest to these dwellings.
- 10.17 The rear wall of plot 1 is at an oblique angle to the rear elevation of No.16 Far Croft and is separated by approximately 10.5m at its closest point. The layout of the first floor bedroom at the back of plot 1 has been arranged so that there is an obscure-glazed en-suite window closest to the boundary and the main bedroom window is set in as much as possible so that the scope for overlooking is further mitigated. Existing hedgerow planting along the boundary is shown as being retained which will screen oblique views between ground floor windows. There is however a concern with the second floor bedroom window in the gable end of plot 1 which is very close to the boundary with both No.14 and No.16 Far Croft as well as No.3 Tinker Lane. As such it is recommended that this window is fitted with obscure glazing.
- 10.18 The side elevation of plot 11 is opposite the rear elevation of No.18 Far Croft. The separation distance is approximately 12m at its closest point which increases to around 13m because of the orientation of plot 11. The proposal would inevitably have an impact on the outlook of No.18 Far Croft and there would be some impact on the amount of early morning sun, however, having carefully considered the relationship officers consider that the level of impact is within acceptable limits and would not significantly harm the living conditions of this neighbour. It is to be noted that the property adjoining No.18 Far Croft has been extended to the rear which brings it much closer to the site boundary and the layout responds to this by avoiding any building immediately opposite.
- 10.19 There are a number of windows proposed within the side elevation of plot 11 which would face towards No.18 Far Croft. At ground floor level is an obscure-glazed garage window and a secondary window serving the main open plan living area. The provision of the new boundary treatment for plot 11 would screen these windows, with details to be secured by condition. There is also a small second floor window serving a walk-in wardrobe within a bedroom but this is shown as being obscure glazed and so would not compromise privacy.
- 10.20 Plot 12 is set in from the boundary with No.26 Far Croft by 6m so as to accommodate the drainage easement which effectively results in an undeveloped buffer. No.26 Far Croft is also set at an oblique angle to the side elevation of plot 12 which helps to mitigate any potential impact on amenity. In the western elevation of plot 12 is a small utility window and a small secondary living room window at ground floor plus a first and second floor landing window. Given the nature of the windows and their position relative to No.26 Far Croft it is not considered that privacy would be unduly harmed.

- 10.21 With regard to the existing properties on the opposite side of Tinker Lane, the separation distances are all in the order of 19m to 21m which is considered to be an acceptable relationship for opposing dwellings facing across a road.
- 10.22 The separation distances between new dwelling and new dwelling within the site are considered to be adequate and suitable amenity space is provided for each of the dwellings.
- 10.23 Based on the above, officers consider that an acceptable level of amenity would be provided for existing and future occupiers and the application therefore accords with Policy LP24 of the Local Plan and guidance in the NPPF.

Highway issues

Layout

- 10.24 The proposed access and parking arrangements are considered to be acceptable. The plans show that the proposed layout will accommodate the turning movements for an 11.85m long waste collection vehicle, the internal access roads are of an appropriate width and gradient and sufficient resident and visitor parking is provided. Bin presentation points have also been provided.
- 10.25 Access for most of the dwellings will be via a simple priority junction although a number of properties will have their own individual points of access directly onto Tinker Lane. There are already a number of existing properties that have driveways immediately off Tinker Lane and traffic speeds on this stretch of the highway network are likely to be low. As such there are not any significant concerns with the proposed access arrangements.

Accessibility

- 10.26 A new 2 metre footway is to be provided to the majority of the site frontage. The footway terminates at the point where the adopted extent of Tinker Lane ends. Tinker Lane becomes privately owned thereafter.
- 10.27 A preliminary footway connectivity plan has also been submitted which shows a 1.2m wide footway to the west of the site that is to connect the site to the existing footways on the eastern side of Pond Lane, just past Far Croft. This will improve accessibility from the development to Pond Lane and consequently the established footway network that connects to the A642 Wakefield Road.

Local highway network

- 10.28 The site has been assessed as being suitable for residential development as part of the Local Plan process, including achieving access to and from the site using the local highway network. One of the identified constraints of the housing allocation is that Tinker Lane is to be brought up to adoptable standards and to this end some road widening in front of the site is proposed to facilitate two-way traffic movement.

- 10.29 Objectors have raised concerns regarding visibility at the Pond Lane/A642 Wakefield Road junction. Whilst it is acknowledged that sight lines at this junction are sub-standard it is not considered that any mitigation works are practical.
- 10.30 Published advice for highways in Manual for Streets 2 states that:
“Reduced visibility may be considered in some slow-speed situations when flows on the minor arm are low. This may mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm, as many drivers will tend to cautiously nose out into traffic. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.
- Sight lines should be based on the recommended Stopping Sight Distance values. However based on research, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.”*
- 10.31 Given that there have been no recorded injury accidents at this junction in the last 5 years, vehicle speeds on Wakefield Road should be low as a consequence of the existing speed cameras and forward visibility of the junction for traffic on Wakefield Road which is good. Highways Development Management do not therefore consider that visibility at the Pond Lane/Wakefield Road junction should result in a significant highway safety issue.
- 10.32 In summary it is considered that the proposed development can be accommodated without resulting in any unacceptable impact on highway safety or any severe cumulative impact on the local road network.
- 10.33 The application is considered to comply with Policies LP21 and LP22 as well as guidance in the NPPF. This is subject to conditions requiring details of the proposed footway to the west of the site connecting to Pond Lane, details of the internal estate roads and footway to the site frontage and a condition requiring the surfacing of private parking spaces. In addition, a condition requiring a construction management plan is also recommended to mitigate the impact of construction on highway safety.

Flood risk and drainage issues

- 10.34 The application site falls within Flood Zone 1 on the Environment Agency’s Flood Map for Planning. The site is therefore classified as being at the lowest risk of flooding. A Flood Risk Assessment (FRA), Drainage Summary and a Drainage/Foul Sewerage Assessment were submitted with the application.
- 10.35 It was initially proposed to pump surface water to Tinker Lane but this resulted in an objection from the Lead Local Flood Authority on the basis that it would pose an unacceptable flood risk in the event of failure. In response to this the applicant is now proposing to drain surface water across third party land to the north of the site and connect to the existing sewer system in Wakefield Road. Evidence to demonstrate that the use of third party land is a realistic and achievable solution has been provided. Surface water would be attenuated on-site and this would restrict the rate of flow to the public sewer network, in line with the advice from Yorkshire Water.

- 10.36 The applicant has also satisfactorily addressed concerns that had been raised by the LLFA in relation to overland flood routing within the site. One of the identified constraints of this housing allocation is a record of a culverted watercourse to the north-west boundary of the site. This has been investigated by the applicant and it has been established that this feature is a land drain rather than a culverted watercourse and it has been accepted that it is unsuitable as an outfall for the surface water drainage for the development. The land drain is located where the drainage easement is proposed.
- 10.37 The proposed surface water drainage strategy is now considered to be acceptable to the Lead Local Flood Authority and there is also no objection subject to conditions regarding the temporary surface water drainage scheme for the construction period and the permanent scheme for the development. The principles of the strategy have also been agreed with the council's road adoption section and Yorkshire Water also have no objections.

Ecology and trees

- 10.38 The site predominantly comprises of agricultural grassland which invariably has low ecological value. There are however substantial hedgerows to the northern and southern boundaries which are classed as a habitat of principal importance. There is also an area of woodland immediately to the east of the site that is designated as part of the Kirklees Wildlife Habitat Network; these trees are not covered by a tree preservation order.
- 10.39 The vast majority of the hedgerow to the northern boundary is proposed to be retained and approximately one third of the hedgerow to the southern boundary is to be kept where it is adjacent to the neighbouring woodland. The retention of these sections of hedgerow through a condition has been recommended earlier within this report.
- 10.40 The area of woodland that forms part of the Kirklees Wildlife Habitat Network lies outside of the site boundary and officers accept that the proposed scheme would not significantly prejudice the viability of these trees. There would be some shading of the gardens of plots 20-24 within the early morning period although this is within acceptable limits. A condition requiring the construction of the development to be carried out in accordance with the submitted arboricultural method statement is recommended.
- 10.41 Developments are required to mitigate their impact on biodiversity and provide enhancement resulting in a net biodiversity gain. Given that the most important ecological features within and adjacent to the site are unaffected to a relatively large degree, it is considered that a condition requiring a scheme for ecological mitigation and enhancement measures to be incorporated into the development is appropriate. The treatment of the eastern boundary for example provides scope to enhance the ecological value of the site by improving connectivity between the hedgerow to the north and the woodland.
- 10.42 Subject to the aforementioned conditions the application is considered to comply with Policies LP24, LP30 and LP33 of the Kirklees Local Plan and guidance in the NPPF.

Representations

10.43 A substantial level of local objection has been received in response to the application. A response to the concerns raised is provided below.

- *Local road network is unsuitable for coping with the traffic generated by the development*
- *Additional congestion on surrounding rounds will compromise highway safety, including for walkers, cyclists and horse riders who use this area*
- *The route to school for children living on the development will be dangerous*

Officer response: Highway matters have been addressed earlier within this report.

- *It is difficult/dangerous when exiting Pond Lane onto Wakefield Road, especially as the junction is opposite a petrol station. Traffic backs up on Pond Lane at peak times.*

Officer response: This issue has specifically been addressed at paragraphs 10.29-10.31 of this report.

- *Additional parking on Tinker Lane would cause problems for existing residents*
- *Insufficient parking space provided; this will encourage parking on Tinker Lane which will potentially cause problems for existing residents and service/delivery vehicles*
- *Access for emergency vehicles would be compromised*

Officer response: Officers consider the proposed level of parking to be proportionate and adequate for the development.

- *Parking restrictions and reduced speed limits should be considered to improve highway safety*

Officer response: Officers do not consider that such measures are necessary. Parking restrictions such as double yellow lines could not be imposed through a planning permission and would restrict existing residents' ability to park on the public highway.

- *Access should be taken from Wakefield Road*

Officer response: The council is required to make a decision on the scheme that has been put forward by the applicant and officers consider the proposed access arrangements to be acceptable.

- *The proposed off-site highway works are inadequate*

Officer response: Officers are of the opinion that the highway works represent the limit of what can practicably be achieved within the confines of the highway network.

- *The veracity of the supporting highway information is questioned*
- *Further highway surveys/assessment should be carried out by the developer and council*

Officer response: Officers are satisfied that sufficient information has been provided to enable a full and proper assessment.

- *Density of development is out of keeping with the surrounding area*
- *Overdevelopment of the site*
- *Cramped appearance to the development with limited gardens and greenery*
- *Prominence of parking to the site frontage*
- *Dwellings are out of scale with those surrounding*
- *Proposal will alter the character from a peaceful edge of village location to a housing estate*
- *Development on the site will result in a loss of natural beauty*
- *Loss of hedgerows would harm the semi-rural character of the area*
- *Loss of a greenfield site*

Officer response: These matters have been addressed within this appraisal.

- *Loss of privacy/overlooking of adjacent property*
- *Overbearing and visually intrusive impact on neighbouring properties on Far Croft*
- *Impact on view/outlook from existing properties*
- *Loss of light*

Officer response: These matters have been addressed within the appraisal.

- *Proposal will alter the character from a peaceful edge of village location to a housing estate*
- *The area would become busier, noisier and less private*
- *Loss of a greenfield site*

Officer response: This is a Green Belt release site that has been allocated for housing within the Local Plan. As such it is inevitable that the established character of the site will be altered and there will be more activity. The development of the site is necessary to meet the council's housing delivery targets.

- *Impact on air, noise and light pollution*

Officer response: Mitigation of air quality impacts is provided through an electric vehicle recharging point for each dwelling and a sustainable travel fund contribution. The scale and nature of the development is such that there are unlikely to be significant noise issues or excessive light pollution. The proposal is for residential development in an established residential area.

- *Cramped living conditions for future occupiers*

Officer response: The standard of amenity for future occupiers is considered to be acceptable having regard to the size of the internal floor space and garden areas.

- *There are existing drainage problems with this site; the site regularly floods and there have been flooding issues with some of the adjacent properties on Far Croft that back onto the site.*
- *Concerns that development will increase the risk of flooding off-site*
- *The new properties are at risk of flooding*

Officer response: At present there is an unrestricted run-off from the field which drains towards the north western corner. Objectors have provided evidence of surface water build-up on the site and it is accepted that the ground conditions mean that soakaways are not a feasible drainage option. The development will mean that surface water is controlled and water will be stored on site and then discharged to the public sewer network at a restricted rate. As such the development would not result in any increased flood risk to neighbouring property and would result in a betterment because there would no longer be an unrestricted run-off. Furthermore, the scheme has been designed so that in the event of the new drainage system being overwhelmed overland flows would be directed away from existing and proposed property and into the field to the north. The Lead Local Flood Authority and Yorkshire Water have no objections to the development.

- *Concerns with how foul waste will be disposed of*
- *There are existing issues with the sewer system*

Officer response: The developer has a right of connection to the public sewer for foul drainage. Yorkshire Water have been consulted and do not object to the application.

- *Alternative sites should be considered on flood risk grounds*

Officer response: The site is in flood zone 1 and therefore it is not necessary to apply the sequential or exception tests as has been suggested.

- *Query who will be responsible for the drainage system*

Officer response: The NPPF requires local planning authorities to ensure that there are suitable arrangements in place for the maintenance of surface water infrastructure. It is recommended that this is secured through a planning obligation. The system would either be adopted by Yorkshire Water or it would fall under the responsibility of a residential management company.

- *The proposed drainage easement encroaches onto adjacent property*

Officer response: This issue has been addressed through the submission of a revised plan.

- *The development will have a detrimental impact on a range of wildlife*
- *The proposed loss of existing hedgerows will harm ecology*
- *The existing hedgerows are protected and must be retained*
- *No ecological information provided*

Officer response: These matters have been addressed earlier within this report.

- *Two of the plots encroach into the retained sections of boundary hedge*

Officer response: A pathway around two of the dwellings is shown as protruding into a hedgerow. Nevertheless it is considered that the developer will be able to form the paths without unduly affecting the hedgerows. A condition requiring the retention of the hedges is recommended.

- *Concerns raised with how the pedestrian connection to Pond Lane will be formed, for example loss of green verges and hedgerows*

Officer response: The highway safety benefits of providing the footway are considered to outweigh the loss of highway verge.

- *Japanese knotweed has been found in the copse of trees adjacent to the site; it was treated but it may not have been eradicated.*

Officer response: The developer has been made aware of this. If considered necessary a condition could be imposed requiring an assessment of the presence of Japanese knotweed (and any other invasive species).

- *Potential land stability issues as a result of the legacy of coal mining activity*

Officer response: Following the submission of additional information The Coal Authority raise no objection. It is therefore considered that coal mining issues have been addressed.

- *Arsenic has been found in the field*

Officer response: The submitted geoenvironmental report indicates that elevated levels of arsenic have been recorded within natural near surface soils. An analysis of this has been provided and concludes that arsenic is present in a phase that does not pose significant risks to receptors. The application has been assessed by Kirklees Environmental Services who raise no objection. Environmental Services have not recommended further investigation or a remediation strategy, although a condition has been recommended regarding the reporting of any additional contamination that has not previously been identified.

- *No recreation facilities in this area*

Officer response: It is acknowledged that there are not any play facilities within the recommended walking distance. Nevertheless a contribution towards upgrading the nearest facility/facilities within the local area is to be secured through a planning obligation.

- *Potential for anti-social behaviour associated with the residents of the affordable housing*

Officer response: This assertion cannot be substantiated.

- *Likely disruption caused by building works*
- *Access needs to be maintained to existing property at all times*

Officer response: A condition requiring a construction management plan is recommended to mitigate the impact of construction works on amenity and highway safety which should also help to address the concerns with maintaining access.

- *Too many large family houses that aren't needed. Smaller properties suitable for older people should be provided*

Officer response: There is considered to be a reasonable mix of property types and the Local Plan establishes that there is a need for new housing in general.

- *Power lines cross the site*

Officer response: The plans show how the applicant intends to deal with this by routing them underground.

- *The application form contains inaccurate information, for example in relation to the presence of hedgerows and flooding*

Officer response: Officers are satisfied that sufficient information has been provided to enable a full and proper assessment. The assessment has also been informed by a site visit.

- *Inadequate publicity of the application*

Officer response: The publicity of the application exceeds the statutory minimum and is in accordance with the council's standard procedures.

- *Detrimental impact on climate change*

Officer response: Climate change is addressed within the appraisal.

- *Brownfield sites should be developed first*

Officer response: The NPPF or Local Plan do not set out a 'brownfield first' policy. This is a housing allocation and so it stands to reason that it will be developed for housing before other greenfield sites.

- *Permission is not given for the developer to carry out any works on adjacent third party land in connection with the relocation of any electricity cables.*

Officer response: The works to relocate the electricity cables as referred to within this comment is not a planning issue however the submitted layout plan indicates how the developer intends to address this particular comment. This is a matter for the applicant to address with the electricity provider and adjacent land owner if necessary.

- *The site is Green Belt and should be protected*

Officer response: The site was previously Green Belt but is now allocated for housing.

- *Impact on school places, especially because Almondbury High School is closing*

Officer response: An education contribution is sought in line with the comments received from Kirklees School Organisation.

- *Impact on local medical centres*

Officer response: The scale of the development proposed would not materially impact on health care needs. This would be a matter for medical providers which would take into account local population statistics.

10.44 Kirkburton Parish Council strongly object to the application and the issues raised reflect those made by objectors. Ward councillors have also raised a number of issues, as set out at section 7 of this report, and all these matters have been discussed within the appraisal.

Planning obligations

10.45 The applicant submitted financial viability information which was independently assessed on behalf of the Council. Whilst there was a high degree of agreement between the applicant's consultant and the Council's independent advisor in terms of the methodology used there was disagreement on certain aspects of the methodology and the eventual conclusions reached in terms of the level of planning obligations that the development could deliver. Notwithstanding this, the following contributions have been agreed with the applicant and which represent a policy compliant Section 106 offer.

Affordable housing

10.46 Policy LP11 of the Local Plan seeks 20% affordable housing provision on developments that are over 10 dwellings. This equates to six dwellings on this development. The Strategic Housing Market Assessment sets out the required tenure split as 54% affordable rent and 46% intermediate tenure.

10.47 The applicant's initial position was that the development could not provide any affordable housing although this evolved and an offer of six Starter Homes was proposed. Negotiations continued in respect of the proposed tenure and an offer of three affordable rent and three Starter Homes is now proposed. The NPPF classifies Starter Homes as intermediate housing.

10.48 The proposed affordable housing offer is policy compliant and is therefore considered to be acceptable.

Education:

- 10.49 Policy LP49 of the Local Plan relates to educational needs arising from development. The development exceeds the threshold for an education contribution and Kirklees School Organisation have advised that the development requires a contribution of £53,190 towards secondary school provision.

Open space

- 10.50 Open space requirements are set out under Policy LP63 of the Local Plan.
- 10.51 No open space is provided within the site and the Council's Landscape section have advised that an off-site contribution in lieu should be sought. The development generates a contribution of £56,541, which includes provision for a local area of play.
- 10.52 There are not any existing play facilities within the recommended 720m walking distance of the site. The closest facility is Lepton Recreation Ground to the west of the site and there may be scope for this facility to be improved by the contribution. It is to be noted that Lepton Recreation Ground falls within an adjacent Ward (Almondbury) but it is likely to be the most accessible facility and would meet a range of needs and therefore it is the one that is most likely to be visited. Precisely where the open space contribution is spent would nevertheless be subject to site appraisals, green space quality assessments and consultation with ward members and the local community once the contribution is received.

Sustainable Travel

- 10.53 To promote sustainable forms of travel it is considered that the development should provide a contribution towards a sustainable travel fund. The fund could be used to provide residential Metro Cards for the occupiers of the development. Based on the provision of one Metro Card per dwelling the contribution would be £15,000.

Other Matters

- 10.54 The site falls within a high- risk coal mining area. The application is supported by coal mining information and in response to this The Coal Authority has confirmed that they have no objection to the development of this site.
- 10.55 There is currently an unknown potential for archaeological remains to be present within the proposed development site. As such the West Yorkshire Archaeology Advisory Service (WYAAS) have recommended that an archaeological evaluation is undertaken so that the full implications can be understood. The WYAAS have advised that this can be addressed through a suitably worded condition.
- 10.56 The Police Architectural Liaison Officer has commented that the northern and eastern site boundaries are particularly vulnerable because they border onto open land and woodland. These concerns are acknowledged and a condition is recommended requiring details of the external boundary treatment. A balance will nevertheless need to be struck between providing security and having an attractive Green Belt edge that also mitigates and enhances the biodiversity of the site.

- 10.57 Plots 2 and 3 have a shared footpath to access their rear gardens. The Police Architectural Liaison Officer has identified such features as a potential security concern because they provide easy access to back gardens and opportunities for offenders to hide. This can be mitigated through lower boundary treatments which allow for better natural surveillance. This matter would need to be addressed through the proposed boundary treatment scheme.
- 10.58 To mitigate the impact of construction on local residents a condition requiring a construction method statement is recommended to address highway safety and residential amenity issues such as noise, vibration, dust and lighting.
- 10.59 There are some overhead power cables that cross the site and the applicant is proposing to route these underground.

Climate change

- 10.60 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.61 In this case a condition is recommended requiring the provision of an electric vehicle re-charging point for each dwelling and a contribution is to be secured towards a sustainable travel fund. This will promote low carbon forms of transport which will help to mitigate the impact of the development on climate change.

11.0 CONCLUSION

- 11.1 The principle of the development is accepted on the basis of the land's allocation in the Local Plan. The proposal delivers an efficient use of the allocation in terms of density and provides a mixture of property types. The development will therefore make a positive contribution towards meeting the council's housing delivery targets as set out within the Local Plan.
- 11.2 The overall design and layout are considered to be acceptable and would respect the character of this edge of settlement site. The proposal would not result in any significant harm to residential amenity.
- 11.3 The scheme involves some highway improvements to Tinker Lane and pedestrian connectivity to and from the site would be improved. Officers are satisfied that the traffic associated with the development can be safely accommodated on the local highway network.
- 11.4 An acceptable drainage strategy has been proposed and ecological mitigation and enhancement can be secured through a planning condition.

- 11.5 The development delivers a full suite of planning obligations including an off-site open space contribution, an education contribution, on-site affordable housing as well as a sustainable travel contribution.
- 11.6 For the reasons set out in this report the application is considered to be acceptable.
- 11.7 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit for commencement of development (3 years)
2. Development in accordance with the approved plans
3. Approval of samples of materials (natural stone and artificial slate)
4. Construction management plan for highway safety and amenity
5. Temporary surface water plan for construction
6. Scheme of archaeological investigation and recording
7. Detailed scheme for the proposed surface water drainage strategy
8. Detailed scheme for temporary surface water drainage during construction phase
9. Details of the internal adoptable estate road
10. Detailed scheme for provision of a footway from the site access to the existing footways on the eastern side of Pond Lane just past Far Croft
11. Private parking areas to be surfaced and drained
12. Bin storage and collection points to be provided
13. Any unexpected contamination encountered during development to be reported to the LPA and remediated
14. Scheme of ecological mitigation and enhancement measures to be incorporated into the development
15. Details of internal and external boundary treatment and landscaping
16. Retention of the existing hedge to the northern and southern boundaries as indicated on the site plan
17. Obscure-glazing to the upper floor bedroom window in the side of plot 1
18. Provision of electric vehicle charging points
19. Development carried out in accordance with the submitted arboricultural method statement

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91778>

Certificate of Ownership – Certificate A signed.