
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Aug-2020

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

APPLICANT

Newett Homes

DATE VALID

29-Apr-2019

TARGET DATE

29-Jul-2019

EXTENSION EXPIRY DATE

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: Denby Dale

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 Section 106 agreement to cover the following matters:

- 1) Affordable housing – three affordable housing units (two social/affordable rent, one intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £31,364 to address shortfalls in specific open space typologies.
- 3) Education – Contribution of £47,028.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £13,363 contribution.
- 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 14 dwellings.
- 1.2 A position statement relating to the application was considered by the council's Heavy Woollen Sub-Committee on 09/01/2020.
- 1.3 Subsequent to that meeting, the applicant team met with officers on 03/02/2020 and submitted additional information in support of the application.
- 1.4 The application would normally have been presented to the Heavy Woollen Sub-Committee again for determination, as it is linked in many respects to a separate application relating to the adjacent site (ref: 2019/91657). Meetings of that committee (to which this application could have been presented) were, however, cancelled due to Coronavirus Covid-19.

- 1.5 A report relating to that separate application (ref: 2019/91657) for the adjacent site is also to be considered at the same meeting of the Strategic Planning Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.4 hectares in size and is a greenfield site located on the southeast side of Station Road at Skelmanthorpe. There is an existing field access off Boggart Lane which is an unadopted lane to the south of the application site and which serves three existing dwellings. Levels within the application site slope downhill towards the north, and the field is delineated by stone walls and hedgerows. Trees exist adjacent to the field access and the southern boundary, and trees at the east end of the site are protected by Tree Preservation Order 11/19/g1. To the south and west of the site are residential properties accessed from Station Road and Boggart Lane, and the Kirklees Light Railway follows a route to the far south-east of the site.
- 2.2 The site forms part of a 1.28 hectare housing allocation (reference HS134) in the Kirklees Local Plan.
- 2.3 A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.
- 2.4 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 14 dwellings.
- 3.2 All units would be served from a proposed estate road accessed from Station Road, which would extend along the northern boundary of the site. Three two-bedroom (terraced), six three-bedroom (semi-detached), four four-bedroom (detached) and one five-bedroom (detached) dwelling houses are proposed.
- 3.3 The proposed dwellings would be predominately two storeys in height, however plots 9 to 14 would have accommodation over three floors, utilising the change in site levels. No details of facing materials have been provided.
- 3.4 No on-site publicly-accessible open space is proposed.
- 3.5 A terrace of three two-bedroom affordable dwellings are proposed adjacent to Station Road.
- 3.6 Each dwelling house would have in-curtilage car parking, and visitor car parking is proposed within two laybys adjacent to plots 1 to 3 and plots 5 to 6.
- 3.7 The applicant intends to dispose of surface water via the existing Yorkshire Water combined sewer beneath Station Road, at an attenuated rate of 3.2

litres per second. Foul water would also be disposed of via the existing sewer.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Relevant planning history includes:

- 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.
- 2017/91487 – Planning permission granted for formation of a new vehicular access.
- 2019/91540 – Planning permission granted for the erection of detached dwelling between 46 and 48 Boggart Lane.
- 2019/91657 – Current application for erection of 30 dwellings, yet to be determined.

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

5.1 As detailed in the applicant's Statement of Community Involvement, the applicant delivered consultation leaflets and a proposed site plan to approximately 34 neighbouring properties on 18/12/2018, and electronic copy of the leaflet was sent to Denby Dale Parish Council on 20/12/2018, and a dedicated website was set up by the applicant. Two responses were received – one objection, and one in support. The applicant has summarised the main points raised, stating they relate to the proposed site access opposite an existing shared drive, impacts on wildlife, insufficient parking, impact on outlook, and support for reducing dwelling heights from three to two storeys.

5.2 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.

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

5.4 Following the decision of the Heavy Woollen Sub-Committee meeting (on 09/01/2020) to defer determination of the application relating to the adjacent site, a further meeting was held with the applicant teams for both sites on 03/02/2020, and the applicant submitted additional information in relation to masterplanning and drainage.

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)
- Kirklees Interim Affordable Housing Policy (2020)
- Viability Guidance Note (2020)

Climate change

- 6.5 On 12/11/2019 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 predates 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.

National Planning Policy and Guidance:

- 6.6 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.

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

6.8 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

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

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

Principle

- Planning for housing has already been rejected on this site.
- Loss of greenbelt / greenfields / farmland.
- Many brownfield sites have not yet been redeveloped in the area.
- Planners have excluded Denby Dale's surrounding rural housing needs in favour of this site.
- This area doesn't need housing, Birdsedge needs housing to support its village services.
- Development does not promote a healthy environment and is not sustainable.
- Impact on local community and character.
- Housing is fulfilled with other development sites in the area.
- There has already been residential and industrial development in the immediate locality.
- Adverse impact on oversubscribed local amenities (doctors, dentists and schools).
- Development will have an impact on local people's health and wellbeing.
- Concern about the overall cumulative impact of all housing developments as a whole in this area.

Design and Amenity

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

Highways

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

Environment

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

Drainage and Flood Risk

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

Other Matters

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

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

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

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

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

7.6 The increase in the number of units from 10 to 14, and the related layout changes, necessitated public reconsultation. Letters were sent to neighbouring residents, however additional letters were also sent at a later date following the submission of further information to accompany the amendments. The end date for this additional publicity was 06/03/2020.

7.7 A further 39 representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the additional points raised:

- Cumulative impact the development will have with other local residential developments on traffic, flooding, drainage, GPs, schools, local amenities, wildlife, local culture and character.
- Confusion as to how many houses are being proposed – 10, 12, 14 dwellings?
- Can the consultation be extended given the Christmas holiday period?
- Brownfield sites such as Greenside Mill should be used instead of this greenfield site.
- Council never clean or maintain the local drains – can this be reported?
- No one will choose to walk through Greenside Mill in its current state.
- Lack of a masterplan with the adjacent scheme (ref: 2019/91657) and goes against policy LP5.
- Concern about the lack of information regarding the 14-dwelling proposal.
- Run-off water will increase into Baildon Dike and increase the risk of flooding at Park Gate. There have already been several recent flood warnings.
- 40% increase in the houses being proposed, therefore a 40% increase in traffic, particularly during peak times.
- Inadequate number of parking spaces provided – short of eight spaces.
- Implications on highway safety of Station Road, Parkgate and surrounding local road network due to the narrow carriageway, narrow or no footways, blind bends, speeding, parked cars, challenging gradients, industrial and farm related activity, commuter traffic and rat running.
- Impact on the Kirklees Light Railway line – visual amenity, rural setting, flooding, anti-social behaviour, Great Crested Newts.
- Increased number of three-storey houses on this hillside – overpowering the current cottage-height buildings. No cohesion of house style between the two sites.
- Impacts on wildlife – barn owls, newts, bats, ducks, pheasants, foxes, kestrels, songbirds, pigeons, etc.
- The officer's report does not take into account the latest objections, or those yet to be made, so is incomplete and erroneous.
- Proposed affordable homes would give existing residents a view of a gable end.
- Site should be left to nature.

- Site has been disused to increase the chances of receiving planning permission.
- Increased damp to adjacent property.

7.8 The comments of Cllr Simpson and Cllr Turner (quoted in the committee report for application ref: 2019/91657) were made with reference to both applications.

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

8.0 CONSULTATION RESPONSES:

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

8.1 Statutory:

The Coal Authority (commenting on 14-unit scheme) – No objection, subject to conditions.

The majority of the application site falls within the defined Development High Risk Area. We are pleased to note that the planning application is now accompanied by a Preliminary Ground Investigation Report (2739/1, May 2017) prepared for the application site by Lithos Consulting. This Report has been prepared by an appropriate range of sources of information.

Having reviewed the available geological, historical and coal mining information, the report author considers that there is a potential risk to the site from unrecorded coal mine workings at shallow depth within the Top Whinmoor Coal seam. Accordingly, appropriate recommendations have been made that intrusive ground investigations and gas monitoring is required.

Recommendations have been made that six rotary boreholes should be suffice to determine whether or not mine workings pose a significant risk to surface stability of the site (via assessment of seam depths, thicknesses and thicknesses of overlying competent bedrock) across the site. However, the nature and extent of these ground investigations will require the Coal Authority's written consent from our Licensing and Permitting team as part of the permitting process.

The applicant is aware that if coal mine workings are encountered, a stabilisation programme (drill and grout) is likely to be required. However, the findings of the intrusive ground investigations should inform any remedial / mitigatory measures required to ensure that the development is safe and stable.

We note that the report author has considered coal extraction however Section 4.4.7 identifies that given the size of this site (<0.5 ha), and likely seam depths in excess of 10m, coal extraction is not considered viable.

The Coal Authority concurs with the recommendations of the Preliminary Ground Investigation Report (2739/1, May 2017) based on the professional opinions made by Lithos Consulting; that coal mining legacy currently poses a risk to the proposed development. In order to establish the exact situation regarding coal mining legacy issues on the site intrusive site investigation works should be undertaken prior to development.

In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed, conditions recommended relating to site investigation and implementation of remedial works and/or mitigation measures.

Yorkshire Water (commenting on 14-unit scheme) – The submitted drawing 1982/100 revision 1, dated Jan 2019 is acceptable. We have no objection to the foul and surface water proposals, where surface water from the site will be restricted to a maximum discharge rate of 3.5 (three point five) litres per second. Condition recommended requiring implementation in accordance with this drawing.

KC Highways (commenting on 14-unit scheme) – The scheme is now acceptable from a highways perspective. Further to previous comments, bin pads have been provided to allow for collection adjacent to the public highway. Other issues were resolved in previous amendments and remain acceptable in Drawing No. 1926-SI-01 Revision D.

For the whole housing allocation site, West Yorkshire Combined Authority has requested a contribution of £20,000 to upgrade nearby bus stops to provide real time information, plus £22,022 to encourage the use of sustainable transport as a realistic alternative to the car, most likely through the issuing of travel cards to residents. This site contains 14 of the 44 proposed dwellings and as such should be contributing approximately 31.8% of the overall figure, which comes to £13,370.64.

Conditions recommended regarding construction traffic access, internal adoptable roads, surfacing and drainage of parking, and visibility splays. Informative recommended regarding highway works.

KC Lead Local Flood Authority (commenting on 14-unit scheme) – No objections. Further discussion with the LLFA and Yorkshire Water invited in order to obtain an acceptable maintenance and management programme for attenuation design- to be secured through S106..

The LLFA support the use of the minimum 75mm orifice on flow control devices in accordance with local guidance and policy.

The LLFA does not encourage the use of crate storage on main drainage runs due to accessibility and maintenance difficulties. The LPA has an obligation to ensure the maintenance and management of such systems for the life of the site.

Adoption criteria for Statutory Undertakers has changed from 01/04/2020 and alternative opportunities for sewer design that can be adopted can be discussed.

As a result of recent changes, the definition and adoption process involving structures under the highway is being reviewed. This can present opportunities in design change that can lead toward successful road adoption.

8.2 Non-statutory:

KC Biodiversity Officer (commenting on 14-unit scheme) – No objection to the proposals. Subject to conditions regarding lighting, removal of vegetation and requiring an Ecological Design Strategy, the proposals will not result in significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network.

KC Education (commenting on 14-unit scheme) – £47,028 contribution required.

KC Environmental Health (commenting on 10-unit scheme) – Conditions recommended for land contamination, noise, charging points (air quality), as well as a number of footnotes referring to advice documentation and construction site noise.

KC Landscape (commenting on 14-unit scheme) – Amenity green space will be required to meet the needs of the development and make the development acceptable and 14 dwellings triggers the requirement for 4 of the 5 typologies, including a Local Area of Play (LAP). Allotments are not triggered as the development is under 50 dwellings. Denby Dale Ward is deficient in quantity for parks and recreation grounds, therefore this will be triggered. There is no natural or semi natural greenspace in Skelmanthorpe therefore the accessibility is not met therefore this is triggered. As there is no on site green space provided, we assume a full sum as an offsite contribution will be required (in the region of £31,364.00). There are existing facilities in the vicinity, within the recommended accessibility walking distances of the site such as Skelmanthorpe rec which would benefit enhancement and meet the needs of the new residents, community and pressures from population increase of the development.

There are no detailed landscape details to comment on the hard and soft landscaping and these should be provided as soon as possible. The area to the left hand side on entering the development could be enhanced to create a more naturally landscaped area and be included as some natural and semi-natural space potentially. Surprised that the layout hasn't been considered for both sites adjacent to make better use of size/shape of both sites together and a looped access. More opportunity for street tree planting, preferably native, especially to the outer boundaries to the development, ornamental in gardens as necessary to create a diverse range of habitats to support wildlife and be visually interesting given the landscape character of the area and proximity of the green belt and adjacent wildlife and habitat network to the southern boundary. Large area of hard surfacing to end of cul de sac – vehicular domination – could be broken up by some additional soft landscaping and tree planting.

Further detailed advice provided regarding landscaping, tree planting, bin storage and collection, and street lighting.

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

KC Public Rights of Way (commenting on 10-unit scheme) – No comments.

KC Strategic Housing (commenting on 14-unit scheme) – The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. On-site provision (housing) is preferred, however where the council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable.

There is demand for affordable 1-, 2-, 3-bedroom (and larger) homes in Kirklees Rural East.

Three affordable 2-bedroom units are sought from this development. There is considerable demand for affordable homes in the area. The application proposes a variety of house-types; however, due to the significant need for 2 bedroomed properties, the proposed three two-bedroom dwellings are welcomed by Strategic Housing. Affordable homes should be distributed evenly throughout the development and must be indistinguishable from market housing in terms of both quality and design.

In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. Two social or affordable rented dwellings and one intermediate dwelling would be suitable for the development.

KC Trees (commenting on 14-unit scheme) – No objection subject to condition requiring compliance with Arboricultural Method Statement. In addition it would be worth considering removing PD rights for plots 6 to 10 – they are just on the cusp of what's acceptable in terms of their proximity to trees, so any rear extensions in the future would cause conflicts with the trees.

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

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

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 14 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.5 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it. The Coal Authority have additionally noted that coal extraction is unlikely to be viable at this site.

- 10.6 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.7 With 14 units proposed in a site of 0.4 hectares, a density of 35 units per hectare would be achieved. This is compliant with the minimum density expectation set out in Local Plan policy LP7, suggests efficient use of the site, and is welcomed. Site allocation HS134 refers to an indicative site capacity of 44 units, which the proposed development would make an adequate contribution towards. Of note, the two applications 2019/90183 and 2019/91657 would together provide the expected 44 units.
- 10.8 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 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) and electric vehicle charging points would be secured by condition, 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 The applicant's Design and Access Statement includes a section on sustainable construction, however limited weight can be attached to the information therein, as the document only refers to measures being "explored", rather than committed to.
- 10.13 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

- 10.14 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.
- 10.15 The site is subject to constraints in relation to topography, local character, drainage, highways, and the adjacent residential properties, 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.
- 10.16 This application relates to the smaller part of site allocation HS134. Current application ref: 2019/91657 relates to the remainder of the allocated 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.
- 10.17 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.

- 10.18 During the life of the current application (for the smaller 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.
- 10.19 The proposals for the smaller site are now much improved, with a development of 14 units proposed. This makes better use of the site in compliance with Local Plan policy LP7.
- 10.20 As explained in the accompanying committee report for the larger site, a single point of access, and a looped estate road through both sites, would be preferable, however the applicants have demonstrated this is not possible without necessitating unacceptable gradients, causing unacceptable visual impact, or bringing forward a lower quantum of development. Further testing of such layouts was carried out by the applicant teams following the meeting of the Heavy Woollen Sub-Committee meeting on 09/01/2020.
- 10.21 The proposed layout would help complete a perimeter block with 44 to 48 Boggart Lane. None of the units would present rear garden boundaries to areas of public realm.
- 10.22 Unit 1 would have side gable windows at ground and first floor level facing Station Road, helping to ensure the development engages with the street.
- 10.23 Off-street car parking is proposed in front or side driveways, and in garages. None of the proposed parking spaces would line Station Road. With appropriate landscaping, the proposed car parking would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.24 A stepped pedestrian access point is proposed to connect with the neighbouring application site adjacent to plots 6 and 7. This would aid pedestrian connectivity in line with Local Plan policies LP20 and LP24 (d) (ii). Adjustments will need to be made to the proposed layout to allow for the provision of rear garden gates for units 19 to 22 of the adjacent scheme.
- 10.25 Six house types are proposed. Most of the units would have two storeys, however six (units 9 to 14) would have three-storey north-facing elevations in response to the site's topography. These are considered acceptable given that this group of dwellings would be flanked by two-storey units and would be of the same materials, and given the three-storey elevations proposed at the adjacent site. The applicant has additionally noted examples of three-storey elevations at nearby residential properties on Baildon Way, and elsewhere in Skelmanthorpe on Saville Road and Gib Lane. Pitched roofs and other design features are similar to those proposed at the adjacent site, and would help the proposed development sit comfortably within its context.

- 10.26 The submitted application form and Design and Access Statement do not specify a materials palette. At the adjacent site, natural stone elevations (including stone lintels, cills and quoins), natural slate roofs, UPVC windows and GRP composite doors are proposed – these are considered appropriate, and can similarly be secured for this smaller site via a recommended condition requiring the submission of details and samples of all external materials.
- 10.27 A condition requiring details of boundary treatments is recommended. Details submitted pursuant to this condition would need to be appropriate to the site's context (dry stone walls would be suitable for the site's Station Road frontage), and would need to minimise visual impact (1.8m timber fences would not be considered appropriate adjacent to the public realm or where highly visible in views from the north).
- 10.28 Electricity lines and a pylon/pole exist on the site's north eastern boundary with the adjoining site, while telephone lines and poles exist along the site's boundary with Station Road to the northwest. A condition, requiring details of proposals to underground these services (where this would be possible) is recommended.
- 10.29 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

- 10.30 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.
- 10.31 A separation distance of 18m is proposed between plot 7 and 44 and 46 Boggart Lane. A separation distance of approximately 20m is proposed between plot 6 and the recently-approved dwelling at Boggart Lane. A separation distance of 12m is proposed between plots 1 to 3 and the blank gable wall of 48 Boggart Lane. These distances are considered adequate, and would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.32 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 allocate site is to be developed, as there are existing dwellings opposite the site's entire Station Road frontage.

- 10.33 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.
- 10.34 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.
- 10.35 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.36 Three two-bedroom (terraced), six three-bedroom (semi-detached), four four-bedroom (detached) and one five-bedroom (detached) dwelling houses 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.
- 10.37 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Officers have asked the applicant to provide a schedule of accommodation to demonstrate that these standards have been met.
- 10.38 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.
- 10.39 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.
- 10.40 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 14 dwellings in this part of the allocated site (HS134), a contribution of £31,364 would be required.
- 10.41 Although some details of landscaping proposals have been shown on the applicant's drawings, further details of the development's outdoor spaces and their purpose, design, landscaping and management are required. Details of the proposed pedestrian connections to the adjacent site would also be required.

- 10.42 A condition regarding noise (to protect new residents from noise from the Kirklees Light Railway) is recommended.

Affordable housing

- 10.43 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.
- 10.44 Three of the proposed 14 units would need to be affordable. In terms of unit numbers, this represents a 21.4% provision, which meets the requirement of Local Plan policy LP11. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.45 The proposed affordable housing is proposed within a terraced block of three two-bedroom dwelling houses adjacent to Station Road. This is considered to be an acceptable location for the affordable housing. 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.
- 10.46 The applicant has stated that the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate would be complied with.

Highway and transportation issues

- 10.47 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.
- 10.48 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.

- 10.49 The application site has a frontage to Station Road approximately 37m in length. Station Road has footways on both sides of the carriageway, is open to two-way traffic, is subject to a 30mph speed restriction, and has no yellow line markings along its kerbs.
- 10.50 All 14 units would be accessed from a single vehicular entrance. The adjacent proposed development (ref: 2019/91657) would add another vehicular entrance to Station Road, however, as explained in the accompanying committee report, while it would be preferable to have a single access point for both developments, Highways Development Management officers have not raised safety concerns regarding the two access points, and the site's challenging topography prevents a single access point being provided.
- 10.51 Adequate 2.4m x 43m visibility splays are proposed at the site's entrance. This is as required by Manual for Streets and the Highway Design Guide SPD for a 30mph road. A condition, requiring these sightlines to be provided prior to commencement of development, is recommended.
- 10.52 Although the applicant does not intend to seek adoption of the proposed new estate road, regarding the proposed development's internal arrangements, the proposed layout is sufficiently 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).
- 10.53 Regarding trip generation, although there appears to be a slight anomaly in the applicant's Highways Supporting Statement (suggesting the total two-way peak hour movements would be 11 per hour when the assessment provides a figure of 12), this has been calculated at a robust predicted trip rate of 0.8 per dwelling. Even the higher figure would only increase car movements by one vehicle every five minutes over the morning and evening peak periods. This trip generation is considered acceptable, with the likely number of additional journeys unlikely to have a noticeable impact on the existing public highway, including when considered alongside those likely to be generated by the adjacent development.
- 10.54 The West Yorkshire Combined Authority (WYCA) has advised that measures are required to ensure that residents of the two proposed developments are encouraged and enabled to use sustainable modes of transport. For the whole allocated site, WYCA have requested a contribution of £20,000 to upgrade nearby bus stops to provide real time information, plus £22,022 to encourage the use of sustainable transport as a realistic alternative to the car, most likely through the issuing of travel cards to residents. This site contains 14 of the 44 proposed dwellings and as such should contribute approximately 31.8% of the overall figure, which comes to £13,363. In light of comments of Members and the limited public transport available in Skelmanthorpe, it is recommended that this contribution should not be put towards bus-related measures, but would instead be better put towards other measures to encourage the use of sustainable modes of transport, in compliance with Local Plan policy LP20. This contribution would be secured via a Section 106 agreement.

- 10.55 Having regard to the 50-unit threshold set out in paragraph 5.19 of the council's Highway Design Guide SPD, it is not recommended that a Travel Plan be secured.
- 10.56 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 the applicant has duly proposed four off-street parking bays for visitors. This would satisfactorily reduce the risk of overspill parking on Station Road, which was raised as a concern by Members at the Heavy Woollen Sub-Committee meeting of 09/01/2020.
- 10.57 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.58 Storage space for three bins, and refuse collection points, will be required for all dwellings, and during the life of the current application the applicant provided details of waste collection points. 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.
- 10.59 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.
- 10.60 Public footpath DEN/28/10 runs along the allocated site's northeast edge. A pedestrian connection between the application site and the adjacent site to the north will be required, to ultimately provide a link to the public footpath. This would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e.

Flood risk and drainage issues

- 10.61 The site is within Flood Zone 1. The site generally slopes downhill from the south to the north. The nearest watercourse is Baildon Dike to the north, where the Environment Agency monitors water levels and a flood warning system is in operation.
- 10.62 A site-specific Flood Risk Assessment and Drainage Strategy (rev B) was submitted by the applicant in support of the 14-unit scheme. This details proposals to discharge surface water into the Yorkshire Water combined sewer that runs beneath Station Road. The applicant has noted that the only space available within the proposed development layout for surface water storage is under the estate road, that the storage proposed is large concrete culverts, that these preclude adoption of the estate road, and that it is proposed that the surface water system and estate road would remain private and a management company would be used to provide maintenance of the estate road and surface water drainage for the lifetime of the development. The applicant has also noted that the previously-proposed peak discharge rate of 2.3l/s is too small to provide an adopted surface water system.

- 10.63 As with the adjacent site, Lead Local Flood Authority (LLFA) officers have advised that they would not object to disposal of surface water via the combined sewer instead of via the highway drain, if Yorkshire Water do not object to this disposal method.
- 10.64 The LLFA have, however, raised concerns regarding the applicant's previous proposal to achieve a connection restriction of 2.3l/s controlled by a flow control device with an orifice of 68mm. This is less than the absolute minimum of 75mm and less than the desirable size (closer to 100mm) as set out in the Local Plan and associated guidance. Orifices of this size represent an increase in flood risk due to potential frequent blockages. In response, the applicant has looked into options for larger orifices, and established that a 75mm orifice would result in a discharge to the combined sewer of 3.2l/s. In an email dated 27/04/2020, Yorkshire Water confirmed that they would not object to a maximum discharge of 3.2l/s. The same day, the LLFA confirmed that they do not object to this discharge rate.
- 10.65 The LLFA's most recent comments (of 26/05/2020) stated that crate storage of water was not encouraged due to accessibility and maintenance difficulties. The applicant has subsequently discussed this matter directly with the LLFA, who have accepted that in sites where drainage systems are to be retained in private ownership, cellular storage can be considered appropriate, subject to long-term maintenance arrangements (the details of which can be secured via the recommended Section 106 agreement).
- 10.66 Existing problems relating to Yorkshire Water sewers to the north of the application site are considered in the report for the adjacent site (ref: 2019/91657), and are not considered reasons for withholding planning permission for either scheme.
- 10.67 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.
- 10.68 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.69 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

- 10.70 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 Tree Preservation Order 11/19/g1 protects trees to the east. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.
- 10.71 The applicant submitted a Preliminary Ecological Appraisal (PEA) for the 10-unit scheme. The council's Biodiversity Officer reviewed the document and recommended that the applicant follow the PEA's recommendations in relation to nesting birds, bats and other protected species as a precaution.
- 10.72 The council's Biodiversity Officer expressed concern regarding the potential for harm to the function and connectivity of the Kirklees Wildlife Habitat Network (KWHN) and suggested a suitable buffer as a sensible means to prevent such impacts.
- 10.73 In response the applicant's ecologist has subsequently provided a letter stating:
- “The KWHN comprises a number of trees on the embankment of a railway and borders a small portion of the development site boundary to the south. Within the development the land bordering this is proposed for back gardens rather than any new buildings, with the off-Site trees to be protected during construction works. As part of a sensible buffer, rather than wooden fencing panels, it is proposed a double row native species-rich hedgerow will be planted to provide complementary habitat to the designated site and a physical barrier to reduce disturbance. Additionally, any lighting within the southern area of the Site will be directional to prevent any light spill onto the gardens or KWHN.”*
- 10.74 In subsequent, updated comments, the council's Biodiversity Officer raised no objection to the proposals, and concluded that, subject to conditions regarding lighting, removal of vegetation and requiring an Ecological Design Strategy, the proposals would not result in significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network. Relevant conditions are therefore recommended, including a pre-commencement condition regarding ecological mitigation and enhancement (through the above-mentioned Ecological Design Strategy). Details to be submitted pursuant to this condition would need to demonstrate that a biodiversity net gain would be achieved at the application site.
- 10.75 Tree Preservation Order 11/19/g1 was served during the life of the application.

- 10.76 The Council's Arboricultural Officer has raised no objections to the proposed development, subject to a condition requiring compliance with the Arboricultural Method Statement that was submitted during the life of the application.

Environmental and public health

- 10.77 With regard to the West Yorkshire Low Emission Strategy, the provision of electric vehicle charging points would be necessary. In addition, measures 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.
- 10.78 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures that could be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.79 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

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

Representations

- 10.81 A total of 104 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report and the accompanying report relating to the adjacent site.

Planning obligations

10.82 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- Affordable housing – three affordable housing units (two social/affordable rent, one intermediate) to be provided in perpetuity.
- Open space – Off-site contribution of £31,364 to address shortfalls in specific open space typologies.
- Education – Contribution of £47,028.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £13,363 contribution.
- 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).

10.83 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.

10.84 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

10.85 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. In addition, in light of advice from the council's Arboricultural Officer, it is recommended that permitted development rights be removed from units 6 to 10, as any rear extensions to these properties would cause conflicts with adjacent trees.

10.86 The impact of the proposed development upon local property prices is not a material planning consideration.

10.87 Objections have been raised to the proposed development's effect on views. 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 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. An acceptable affordable housing provision has been agreed with the applicant.
- 11.3 The proposed development's benefits (including the provision of 14 dwellings of which three would be affordable, construction-phase employment, planning obligations that would benefit the public as well as residents of the development, and the required biodiversity net gain) attract significant positive weight.
- 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 road.
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. Compliance with Arboricultural Method Statement and submission of a Tree Protection Plan.
10. Coal Mining Legacy – site investigation and mitigation.
11. Submission of flood risk and drainage details.
12. Site to be developed by separate systems of drainage for foul and surface water on and off site.
13. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
14. Submission of an Intrusive Site Investigation Report (Phase II Report).

15. Submission of Remediation Strategy.
16. Implementation of Remediation Strategy.
17. Submission of Validation Report.
18. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise from the Kirklees Light Railway.
19. Crime prevention measures.
20. External materials.
21. Boundary treatments.
22. Details of pedestrian connections.
23. External lighting.
24. Undergrounding of services.
25. Full Landscaping scheme.
26. Restriction on timing of removal of vegetation.
27. Biodiversity enhancement, net gain and Ecological Design Strategy / Landscape and Ecological Management Plan
28. 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=2019/90183>

Certificate of Ownership – Certificate B signed