
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Feb-2021

Subject: Planning Application 2019/91836 Erection of 34 dwellings Land adjacent to Inkerman Court, Barnsley Road, Denby Dale, Huddersfield, HD8 8XA

APPLICANT

Stewart Brown, Yorkshire
Country Properties

DATE VALID

12-Jun-2019

TARGET DATE

11-Sep-2019

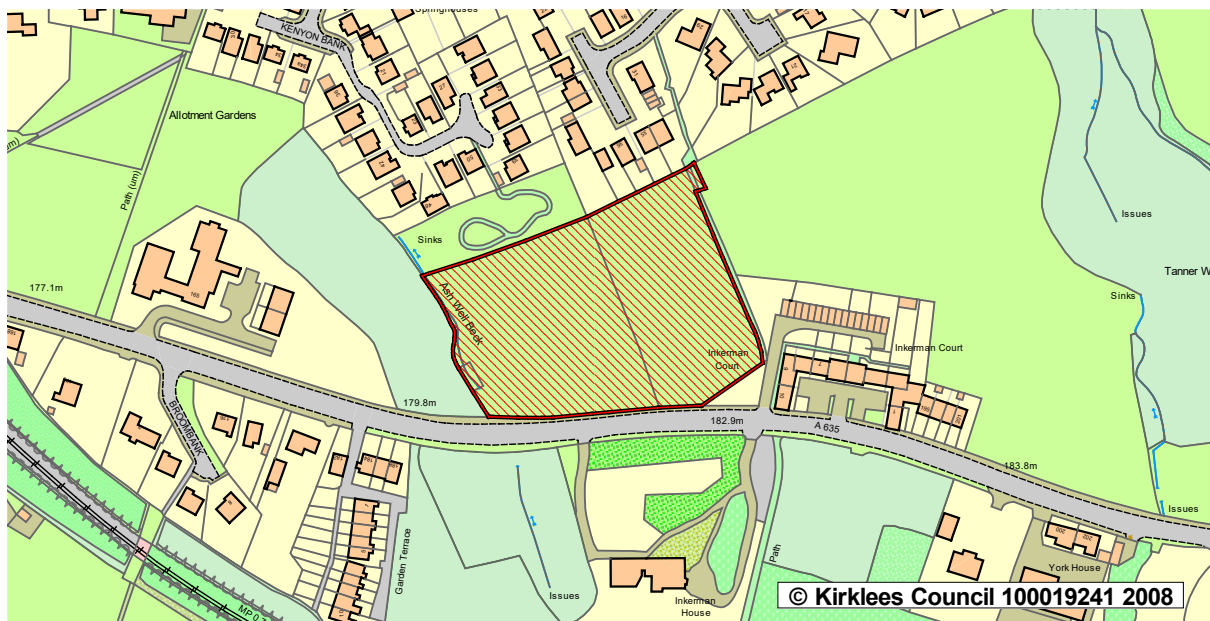
EXTENSION EXPIRY DATE

24-Dec-2020

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 – Seven affordable housing units (1-bedroom starter homes) to be provided in perpetuity.
- 2) Open space – £44,969 contribution towards off-site provision, and an additional contribution payable in the event that development comes forward at the adjacent allocated site (HS136) and the cumulative impacts of the developments require mitigation.
- 3) Education – Contribution of £36,007.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, and a contribution towards Travel Plan monitoring payable in the event that development comes forward at the adjacent allocated site (HS136) such that a Travel Plan is required.
- 5) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 6) 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).
- 7) Traffic Regulation Order – Funding of consultation on, and implementation of (if deemed appropriate, following consultation) a Traffic Regulation Order reducing the speed limit on Barnsley Road to 40mph.

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 34 dwellings.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.02 hectares in size and is located on the north side of Barnsley Road, Denby Dale.
- 2.2 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is partly grassed and partly overgrown with shrubs.
- 2.3 Beyond a small area of public open space to the north of the application site there are two-storey detached dwellings at Kenyon Bank, and single- and two-storey dwellings to the north at Inkerman Way. To the east of the application site is Inkerman Court, a group of 10 two-storey stone-built dwellings arranged around a courtyard, with an attached terrace (195 to 201 Barnsley Road) further to the east.
- 2.4 The application site generally slopes downhill from south (approximately 185m AOD) to north (approximately 175m AOD).
- 2.5 A watercourse (Ash Well Beck) flows northwards along the application site's western edge.
- 2.6 There are trees and shrubs along some of the site's edges, and Tree Preservation Order DD2/51/w29 protects trees along the site's western edge.
- 2.7 Public footpath DEN/66/40 runs along the site's east edge, connecting Barnsley Road with Inkerman Way. An easement between Barnsley Road runs through the site to the open space to the north.
- 2.8 The application site is allocated for residential development (site allocation ref: HS141). The adjacent site to the east, on the other side of the public footpath, is also allocated for residential development (ref: HS136).
- 2.9 A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the banks of Ash Well Beck to the west, and areas to the south on the opposite side of Barnsley Road.
- 2.10 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 34 dwellings.
- 3.2 A single, new vehicular access point is proposed from Barnsley Road. From this point, two new estate roads would spread downhill, with a private drive extending from the easternmost estate road. A right-hand turn pocket is proposed in Barnsley Road, outside the proposed vehicular access point.
- 3.3 Dwellings would be arranged in a terrace of eight houses close to Barnsley Road, behind which a mix of detached and semi-detached dwellings, and two short terraces, are proposed. All dwellings would be two storeys in height, some with rooms in their attic spaces, and some with three-storey rear elevations.

- 3.4 An area of on-site open space is proposed at the northwest corner of the site, adjacent to the existing open space to the north. A proposed gate would formalise a pedestrian connection between Barnsley Road and Kenyon Bank.
- 3.5 No pedestrian connection is proposed to public footpath DEN/66/40.
- 3.6 Of the 34 dwellings proposed, seven would be provided as affordable housing (starter homes). This represents a 20.6% provision.
- 3.7 All dwellings would have off-street parking, with some dwellings having attached, detached or integral garages.
- 3.8 Surface water would be directed to an attenuation tank at the northwest corner of the site, from which water would flow (via a hydrobrake) to Ash Well Beck.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 88/06500 – Outline permission for residential development refused on 14/03/1989.

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

- 5.1 Pre-application advice was requested by the applicant in June 2018 in relation to a residential development of 35 units. A pre-application meeting was held on 26/09/2018 (attended by the applicant team, Cllr Turner and officers), and the council issued a pre-application advice letter on 04/04/2019 (ref: 2018/20261). The main points made in that letter are summarised as follows:

- Full planning permission required.
- Site is allocated for residential development. Subject to planning matters being satisfactorily addressed, residential development at this site would be acceptable in principle, and can be considered to be sustainable development.
- 35 dwellings would be policy-compliant.
- Proposed layout is largely logical and acceptable, although site's southeast corner would not be the best location for open space.
- Masterplan with adjacent allocated site would be preferable, but not a requirement.
- Proposed dwelling typologies acceptable. Varied house types required.
- Natural stone should be proposed. Two-storey development appropriate.
- Public footpath DEN/66/40 should be satisfactorily addressed and overlooked, with garden gates provided.
- North-facing windows could provide natural surveillance to existing open space to the north.
- Site offers very few locations where high, close-boarded fencing would be appropriate. Dry stone walls should be retained.
- High quality landscaping required.
- Existing and proposed levels should be confirmed.
- Proposal would not harm heritage assets.
- Proposed unit size mix is acceptable, although one-bedroom units would help meet known need. Compliance with Nationally Described Space Standards is encouraged.

- Adequate private amenity space is proposed.
- 510sqm of amenity greenspace and 469sqm of space for children and young people required. This space would need to include a local area of play (LAP). Off-site contribution also required.
- 20% affordable housing required, split 54% affordable/social rent / 46% intermediate. Seven affordable units required, provided as a mix of one-, two- and three-bedroom units, pepper-potted, and designed to be indistinguishable from private units.
- Entrance visibility splays can be based on the 85th percentile wet weather speed on each approach to the proposed junction. Speed surveys should be included in Transport Assessment, along with a Stage 1 Road Safety Audit.
- Barnsley Road footway should be widened to 2m. 2m wide footways required into site entrance. Manoeuvring space for a 11.85m refuse vehicle required. Advice provided regarding gradients and other aspects of internal highway design.
- Adequate on-site parking, connections to public rights of way network, and Travel Plan required.
- Pedestrian connection between Barnsley Road and existing open space to north is supported.
- Flood risk assessment and drainage strategy required. Drainage hierarchy must be followed, although soakaways may not be viable at this site. On-site attenuation required. Details of management and maintenance of drainage would need to be secured.
- Layout should be designed to avoid pressure on protected trees to the west. Additional trees required along Barnsley Road frontage. Tree survey and arboricultural impact assessment required.
- Preliminary Ecological Appraisal and Ecological Impact Assessment required.
- Phase I contaminated land report required.
- Electric vehicle charging points required.
- Noise assessment required.
- Planning obligations relating to affordable housing, education, highways, public open space and drainage likely to be required.
- Local pre-application consultation encouraged.

5.2 Section 8.0 of the applicant's Design and Access Statement states that the applicant circulated a mailshot among local residents regarding the proposals, prior to submitting the current application.

5.3 During the life of the current application, the applicant submitted amended layouts, details of amended house types, details of levels and boundary treatments, schedules of accommodation, drainage and flood routing information, details to address Section 38 matters, amended plans showing a right-turn pocket in Barnsley Road, and other highways information (including details of a week-long speed survey).

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 application site is allocated for residential development in the Local Plan (site allocation HS141, formerly H634). HS141 relates to 1.02 hectares (net and gross), sets out an indicative housing capacity of 35 dwellings, and identifies the following constraints:

- Third party land required to achieve sufficient visibility splays.
- Public right of way crosses the site.

6.3 The site allocation also notes (as a site-specific consideration) that the site could be accessed in conjunction with housing site HS136.

6.4 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
LP38 – Minerals safeguarding
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:

- 6.5 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 Interim Affordable Housing Policy (2020)
 - 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 Management Design Guide for New Developments (2020)
 - Green Street Principles (2017)
 - Viability Guidance Note (2020)
- 6.6 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation but have not been adopted to date.

Climate change:

- 6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.8 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:

- 6.9 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.

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

6.11 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 that would affect a public right of way.

7.2 The application has been advertised via four site notices posted on 01/07/2019, a press notice published on 28/06/2019, and letters sent to the occupants of neighbouring properties. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 22/07/2019.

7.3 149 representations were received in response to this initial consultation. These have been posted online and included an objection from the Upper Dearne Valley Environmental Trust, a report prepared by IOP Consulting (dated July 2019), and a report prepared by Northern Transport Planning (dated July 2019) on behalf of residents. The following is a summary of the points raised:

- Objection to principle of development.
- Objection to loss of green belt land. Brownfield land should be developed instead. Development should be encouraged in Dewsbury. Other areas need investment. Site should not have been released for development. Site is widely used by ramblers, cyclists, dog walkers, children and more. When Kenyon Bank was developed, assurance was given that land beyond it would not be developed.
- Housing not needed. There is no housing shortage. Brexit will reduce housing demand. Denby Dale already has pipeline of 100 new homes. New homes already being built at Wood Nook, and haven't been sold. Denby Dale is full and overpopulated.
- Cumulative impacts of developments should be considered.
- Development wouldn't provide housing for older people, despite ageing population. Bungalows should be proposed.

- Highway safety concerns. Site is on a hazardous blind corner opposite a busy pool. Large trees overhang and shade the road, affecting visibility. Low sun can also affect visibility. Emerging vehicles would cause accidents. Accidents occur on Barnsley Road. Fatal accident will occur. Vehicles stray over central white line markings. Fast traffic passes the site. Speed survey confirmed speeds of up to 82mph. Speed surveys inadequate. Speed limit should be reduced to 30mph. Road narrowing would not help. Parking restrictions would move problems further along the road. Difficult for pedestrians to cross Barnsley Road. Safe crossing point needed. Danger for playing children. Increased traffic on Miller Hill and Bank Lane which are already dangerous roads for pedestrians due to neither having a footway. Nearby roads are narrowed to one lane by parking. Increased traffic and safety risks to Norman Road.
- Local roads are already congested. Emergency vehicle access would be restricted by additional traffic. Developments in Scissett have worsened congestion. Increased damage to local roads. Increased population will mean shops require more deliveries. Transport Assessment incorrectly identifies site as an urban location. Traffic survey carried out on Dearneside Road should be revisited. Applicant's trip generation predictions are unreliable.
- Parking problems already exist due to swimming pool opposite. Lack of parking at village centre and Denby Dale station. Village only has two blue badge spaces. Proposed garages too small. Each house would have an average of two cars. New residents will park on Barnsley Road. Visitor parking isn't proposed.
- Proposed layout unsuitable for refuse collection vehicles.
- No space for construction vehicles.
- Bus and train services are inadequate. More buses and trains required. Walking and cycling unrealistic due to topography. There is no safe pedestrian route to the site after dark.
- Footpath to east shouldn't be blocked.
- Increased flood risk. Properties on Inkerman Way would be affected. Adjacent gardens already flood. Culvert behind Kenyon Bank has flooded. Application site currently soaks up water. Kenyon Bank and other parts of Denby Dale flooded in 2007. Previous application was refused on drainage grounds. Proposed on-site storage inadequate. Ponds, open swales and reed beds should be proposed. Applicant incorrectly states that water would flow from north to south. Drains and sewers under Inkerman Way are at capacity, are noisy, and cannot cope.
- Inadequate sewers. Council will need to pay for upgraded sewers.
- Adverse impact on utilities.
- Adverse impact on character of Denby Dale and Barnsley Road. Natural village boundaries and the rural nature of Denby Dale would be eroded. Site currently helps separate Denby Dale from Upper/Lower Denby. Denby Dale is becoming a small town. Urban sprawl. Denby Dale is an area of outstanding beauty.
- Council's density policy not complied with. Density is too high.
- Development would be an eyesore. Development's materials will look new. Out of keeping with surroundings.
- Layout and materials are acceptable.
- Adverse impact on historic buildings of Inkerman Court.
- Secured by Design not complied with.

- Inadequate social infrastructure. Lack of local school places. No school is within a child's walking distance. Local healthcare inadequate. Residents already struggle to secure GP appointments. Inadequate refuse and recycling facilities. Section 106 contributions should improve schools, GP and library provision. Village lacks police, fire and ambulance stations.
- Query as to how Section 106 contributions would be spent, and why Community Infrastructure Levy is not being charged.
- Availability of access to existing open space to the north should not be assumed by applicant. This space does not require improvement. Use of this space and path would cause loss of privacy, and path is unlit and lacks natural surveillance. Increased access and use would affect sense of safety, as people from a wider area, not known to existing residents, would be present. Access from the north is via private land, and path to side of 50 Kenyon Bank is not a public right of way. Open space does not currently experience anti-social behaviour, but it would if access is provided.
- Adverse impact on wildlife. Inadequate ecological surveys provided. Surveys were carried out in February. Site is visited by "red list" birds. Bats present at the site. Badgers have been present close to the site. Cats of new residents would kill wildlife. Wildlife corridor would be interrupted. Site is used for the release of hedgehogs. Biodiversity net gain has not been demonstrated.
- Harm to adjacent woodland.
- Lack of landscaping information. Landscaped boundary needed between existing and proposed open spaces.
- Proposed open space should be at the heart of the development.
- Arsenic and lead need to be removed from the site. Natural gas present at site.
- Overshadowing of properties to the north.
- Overlooking of properties to the north and of Inkerman Court. If dwellings are built along site's northern edge, they should be bungalows.
- Increased noise. Residents of Norman Road and other streets would be affected.
- Increased air pollution.
- Borough's carbon footprint would be increased.
- Disruption and inconvenience caused during construction.
- Increase light pollution, preventing astronomy.
- Objection to increased footfall along public footpaths that pass existing homes.
- Adverse impact on mental health. Disturbance to sleep. Increased stress.
- Increased crime and security risks.
- Dwellings won't be affordable, including for local young people. Houses aren't for first-time buyers. Four- and five-bedroom houses are unaffordable and shouldn't be allowed.
- Affordable housing welcomed.
- Social housing would have negative impact on village character.
- Permission ref: 2018/92022 should be taken into account.
- Street views/elevations should be provided.
- Levels information should be provided.
- Devaluation of neighbouring properties.
- Masterplan needed for Dearne Valley.
- Applicant's reports are subjective and unreliable.
- Council's consultation has been disorganised.

- Applicant hasn't consulted with local residents.
- Objections would be futile.
- Applicant is prematurely advertising development online, suggesting bribery and corruption, and that consent is already a done deal. Applicant's website refers to 35 dwellings.
- Development is proposed for profit reasons. Greedy banks should not be fed.

7.4 On 07/07/2019 Cllr Turner asked for Members of the Sub-committee to visit the site.

7.5 On 09/08/2019 Cllr Simpson made the following comments:

As the consultee reports have outlined, the LLFA require further information on this application as well as KC Ecology requiring additional information and surveys to be completed.

I am also concerned about the safety of the application's access on Barnsley Road, as the speed of the road is high and I do not believe the visibility splays are adequate to ensure that safe access will be assured.

For these reasons alone I would ask Committee to ensure that the application is not accepted.

The council is also aware that an application is currently being drawn up for the adjacent housing allocated site.

These applications will likely have, and should have, connectivity and coordination. Moreover, the ecological, flood, drainage and transport effects of each site will be intrinsically linked.

Hereby, I believe it would be appropriate for this application to be in the least deferred so that the committee can consider it in conjunction with an application for the adjacent site. If this cannot be done, I would ask you ensure that this application is rejected on the grounds stated above.

As a further comment, I wish to state that for developments in locations such as this, which are not within the close vicinity of a bus stop, the provision of Metrocards as part of a sustainable transport contribution may not be the most effective use of S106 contribution for the residents. Nor would the provisions of bicycles, given the topology of the ward and distance to likely workplaces. Given the location of this particular development, fairly close to the ward's only rail station, I would suggest that discounted rail travel may be a more effective use of funds, if this were possible. For applications which are on bus routes more creative solutions, such as direct improvements to particular bus services, as Graham and I have discussed informally with officers would be positive. I would welcome a review into the way use 'sustainable travel' S106 funds to give ourselves more options when it comes to allocating funds and to ensure that our sustainable travel offers are most appropriate for the developments they are raised from.

- 7.6 Denby Dale Parish Council objected to the proposed development on the grounds of access to and from Barnsley Road, drainage problems due to inadequate capacity of existing sewers which are already overloaded, problems of surface water on the site's slope, and biodiversity. The Parish Council also believed that the submitted plans were inaccurate.
- 7.7 The case officer met residents of Kenyon Bank on site on 24/07/2019.
- 7.8 Following the submission of an amended drawings and information, a second round of consultation was carried out. Letters were sent to residents and interested parties. 35 further representations were received, including a further report prepared by Northern Transport Planning (dated January 2021) on behalf of residents. These representations have been posted online. The following is a summary of the further comments made:
- Previous objections have not been addressed.
 - Highway safety concerns. Each of the three lanes at the site entrance should be 3m wide, yet the carriageway is only 8.5m wide. Right-turn lane should be reconsidered. Filter lanes can cause confusion and danger. HGVs coming downhill (westbound) have greater stopping distances and would not be able to slow down enough when they meet a vehicle waiting to turn right. Proposals don't address previous speed and visibility concerns. Carriageway narrowing would cause more accidents. Vegetation is still growing past the kerb of Barnsley Road, affecting visibility. Impartial review of the highway proposals should be commissioned by the council. Risk assessments needed. Fallen leaves cause skidding on Barnsley Road. Residents undertake U-turns on Barnsley Road, and proposals would increase risk of related accidents.
 - Applicant and officers haven't addressed how the proposed filter lane will impact on the safety of vehicles entering and leaving the two entrances/exits to Inkerman House and Inkerman Pool, where (pre-epidemic) there were up to around 70 vehicle movements per hour (entering/exiting/turning onto Barnsley Road) between the hours of 08:30 and 19:30 Monday to Friday and a similar number per hour between 07:30 and 16:00 on Saturdays.
 - In icy conditions, residents will leave their vehicles on Barnsley Road. Parking has proved inadequate at other sites. Proposed garages won't be used for parking.
 - Electric vehicle charging points required.
 - Drainage concerns have not been addressed. Surface water proposals are unclear and flood risk information is unconvincing. Size of proposed water storage tank has been reduced, and is still inadequate. Support Lead Local Flood Authority's objections.
 - Local sewers are still inadequate.
 - Elevations of dwellings closest to Kenyon Bank have not been submitted.
 - Loss of sunlight to north.
 - Further ecological surveys have still not been submitted.
 - Council's public consultation was carefully minimised.
 - Residents were not given enough time to comment on KC Highways comments, and those comments do not note that parking occurs on Barnsley Road.
- 7.9 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

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

8.2 Statutory:

8.3 KC Highways Development Management – Right-turn pocket acceptable – although the standard width for this facility would be 3m, the vast majority of vehicles using it will be narrower than the proposed pocket, and this is a more substantial provision than the two existing right-turn pockets in place at the crossroads outside The Dunkirk PH that each measure approximately 1.8m in width.

Proposed visibility splays are below those quoted in the Design Manual for Roads and Bridges (DMRB) for a road with a 50mph speed limit. However, speed surveys found that the 85th percentile speeds of vehicles were significantly below 50mph. Furthermore, a survey carried out by Highways Development Management (HDM) officers produced similar results. The proposed splays are commensurate with the measured 85th percentile speeds.

Although the splays are deemed acceptable for the current nature of the road, the applicant has offered to provide a financial bond to allow for the investigation, public consultation, and potential installation of a reduction in speed limit from 50mph to 40mph for a length of road to be determined by the council's Highway Safety department. It would seem likely that this would constitute a length from the junction with Wakefield Road (A636) to a point to the east of the site beyond the visibility splay. The Highway Safety department has been consulted on this proposal, but have not yet given an indication of the suitability of the plan.

Each dwelling would benefit from off-street parking in line with the Highway Design Guide SPD. The exception to this is the terrace of affordable housing, with each one-bedroomed dwelling having only one off-street space. However, given this property type is a genuine one-bedroomed property, with shared lounge and kitchen space on the ground floor, the shortfall is acceptable on balance in this instance. Nine visitor spaces are provided, although some are on-street or in turning heads widened to accommodate the additional vehicle. This accords with the one visitor space per four dwellings requested by HDM.

The enclosed bin storage facilities to the front of plots 1-8 are welcomed, but similar high-quality facilities should be provided for plots 15 and 32 to avoid on-street storage.

The two visitor parking spaces in front of plot 20 appear to conflict with the swept path to turn a refuse vehicle, allowing it to access and exit the site in a forward gear. Given access is taken directly from the A635, this turning facility is paramount to the highway safety of the site. Swept path analysis of an 11.85m refuse vehicle should be provided with these spaces taken into consideration, or the visitor parking bays re-located.

For street-sweeping reasons, the 90 degree angle in front of plot 34 should be chamfered.

8.4 KC Lead Local Flood Authority – On 29/01/2021 the Lead Local Flood Authority confirmed that their earlier objection would be withdrawn if unit 13 was changed to a smaller house type, as this would provide more space for flood routing and drainage maintenance.

8.5 Non-statutory:

8.6 KC Ecology – Applicant's preliminary ecological information is not suitable to support the application, and it recommends further survey for reptiles. In relation to breeding birds, the current understanding of the habitats present is sufficient to make a reasonable assessment of the significance of the effect on breeding birds (in this case significant at a site level), therefore further breeding bird survey is not necessary. However, the proposals will need to include mitigation/compensation measures in respect of impacts. The proposals show the loss of woodland habitat. This is a habitat of principle importance and any loss will need to be mitigated in accordance policy LP30. Representations have been made relating to a higher hedgehog population density within and around this site – this will also need to be addressed as part of the proposals. Supporting information should comprise an Ecological Impact Assessment supported by additional reptile survey and including an assessment of impacts to important ecological features, including the population of hedgehogs. The supporting information will also need to include sufficient detail of required mitigation.

8.7 KC Education – Education contribution of £36,007 required.

8.8 KC Environmental Health – Recommendations set out in Phase I Contaminated Land Report by RGS dated July 2018 (ref: J4308/18/E/EDS) are agreed. Phase II Contaminated Land Report by Haigh Huddleston and Associates dated April 2019 cannot be reviewed as the gas monitoring is incomplete. Four site contamination conditions are therefore recommended. Conditions also recommended requiring electric vehicle charging points and a noise report.

8.9 KC Landscape – Details of landscaping and open space required, including in relation to levels and accessibility. Responsibility for management of open space needs to be clarified. Denby Dale ward is deficient in parks and recreation grounds, and natural and semi-natural green space. Local Area of Play (LAP) required but is not proposed. Two existing facilities with 720m distance could receive enhancements: Sunny Bank playground and Upper Denby recreation ground. £44,969 contribution required in lieu of on-site provision. More street trees would help break up proposed hard surfaces. Conditions recommended, and further advice provided regarding landscaping.

- 8.10 KC Strategic Housing – 20% affordable housing required. On-site provision is preferred. In Kirklees Rural East there is a significant need for 1- and 2-bedroom affordable housing, as well as a need for 3-bedroom (and larger) affordable housing. Proposed development should provide seven affordable dwellings. Social/affordable rent would be preferred to starter homes, as area has a higher level of owner-occupation compared to other parts of Kirklees. Four social/affordable rent and three intermediate dwellings would be appropriate. Starter home market prices must be relevant to local incomes – reference should be made to the Strategic Housing Market Assessment.
- 8.11 Yorkshire Water – No objection to proposed separate systems of drainage, the proposed amount of foul water to be discharged to the combined public sewer, or the proposed amount of surface water to be discharged to the watercourse. Condition recommended regarding piped discharge of surface water. 225mm public combined sewer crosses part of the site, and this must be taken into account in the proposed design.

9.0 MAIN ISSUES

- Land use and principle of development
- Quantum and density
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10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site is allocated for residential development. Full weight can be given to site allocation HS141. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land

and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H634, and to the adjacent site which was numbered H233) stated:

The sites are identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. Taking account of their containment and the urban fringe character of Barnsley Road, I concur with these findings. In this context, and taking account of identified housing needs and their proximity to the village, I conclude that exceptional circumstances exist to justify the release of the sites from the Green Belt.

- 10.4 The 34 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.5 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.6 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.

Quantum and density

- 10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure that allocated sites are efficiently used (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met.
- 10.8 With 34 units proposed in a site of 1.02 hectares, a density of approximately 33.3 units per hectare would be achieved. This falls slightly short of the 35 units per hectare minimum density set out in Local Plan policy LP7, and the 34 units proposed is one unit short of the indicative site capacity figure (35 dwellings) set out in site allocation HS141. These shortfalls, however, are minor, and having regard to the site's constraints, the quantum, density, unit size mix and layout of the proposed development is considered acceptable.

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 located at the edge of an existing, established settlement that is served by public transport. Furthermore, Denby Dale has a wide range of facilities (including social infrastructure), such that many 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 the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and measures to encourage the use of sustainable modes of transport have been proposed or would be secured by condition or via a Section 106 agreement. 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 would need to account for climate change.
- 10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Masterplanning and urban design

- 10.13 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.14 The site is subject to constraints in relation to topography, local character, drainage, highways, and the adjacent residential properties, public footpath and TPO-protected trees. All of these considerations will (or should) influence the design of any development at this site.
- 10.15 The application site is immediately adjacent to another allocated site (HS136) to the east, which is 2.07 hectares in size, and where an indicative capacity of 72 units is set out in the relevant site allocation. No planning application for the development of that site has been submitted to the council.
- 10.16 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, as is paragraph 6.41 of the Local Plan, which states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development. In light of this relevant policy, it

is appropriate to apply aspects of a masterplanning approach to site allocations HS141 and HS136 when assessing the current application. Although the council could not reasonably insist on a single application being submitted for the two sites, and could not require the two sites to be developed simultaneously by the same developer or designed by same team, development that makes best use of the allocated land, and that does not sterilise (or otherwise compromise) any part of the site allocations, is essential.

- 10.17 The text accompanying site allocation HS141 states that the application site could be accessed in conjunction with the adjacent site HS136. Although in some respects a vehicular connection between the two allocated sites would be advantageous (a U-shaped road through the two sites, connected to Barnsley Road at two new junctions, would reduce the need for reversing within the sites), such a connection is not considered essential, as the two allocated sites both have frontages to Barnsley Road, and can be accessed independently of one another.
- 10.18 Due to their topography, the two allocated sites can also be drained independently of one other. Subject to attenuation, development at the application site can drain to Ash Well Beck to the west, whereas the adjacent site generally slopes downhill towards the northeast, and could drain to Haley Well Beck (again subject to attenuation, and if infiltration proves inappropriate at that site). Neither site would rely on the other for drainage pipework routing or optimal locations of attenuation.
- 10.19 Consideration has been given to whether a single, consolidated open space for both allocated sites would be preferable, however it is considered that separate provisions would instead be appropriate, given that provision at the application site can be located adjacent to (and can complement) the existing open space to the north, and given that open space may need to be provided at the adjacent site in any case, in relation to on-site drainage attenuation, to address topography, and to complement or buffer the adjacent woodland, green belt and wildlife habitat network.
- 10.20 In conclusion with regard to masterplanning, the proposed development can be considered acceptable without development being simultaneously proposed at the adjacent site, and without fully-integrated and inter-dependent proposals (in relation to access, drainage and open space) being brought forward at the two allocated sites. Further consideration of masterplanning matters is considered later in this report in relation to planning obligations.
- 10.21 The proposed layout takes into account topography and the maximum gradients stipulated in the council's Highway Design Guide SPD. Although the proposed layout would necessitate the reversing of refuse collection vehicles, some such reversing would be inevitable in any acceptable layout here, due to the size and shape of the site. The proposed layout is legible, and includes a pedestrian connection to the open space (and, ultimately, Kenyon Bank) to the north. This proposed pedestrian connection accords with Local Plan policies LP20, LP24dii and LP47e, and would provide a convenient route (away from main road traffic) to the centre of Denby Dale.

- 10.22 It is considered that a pedestrian connection between the estate road of the proposed development and the public footpath to the east (DEN/66/40) is not necessary, as it would only benefit a small number of new residents, and providing an east-west pedestrian connection between private curtilages here could unnecessarily expose side and/or rear garden boundaries to access and could increase their vulnerability to crime. The majority of new residents would be able to access the existing footpath via a short stretch of the footway of Barnsley Road without having to detour significantly, and the above-mentioned pedestrian connection to Kenyon Bank reduces the need for another pedestrian route from the development to the centre of Denby Dale in any case.
- 10.23 The proposed terrace of eight houses along the site's Barnsley Road frontage is an appropriate response to the site's context, as it would reflect the typologies and density of existing development at Inkerman Court and 195 to 201 Barnsley Road to the east. The proposed location of these dwellings (and units 9 and 34) would improve natural surveillance of the road. The provision of private garden gates at the back of the footway of Barnsley Road would further improve the relationship between the road and the proposed dwellings that would face it, and would further reflect the garden-road relationship that exists at 195 to 201 Barnsley Road.
- 10.24 Flood routing considerations have informed the proposed layout, footprints, levels and initial boundary treatment proposals. The proposed development's estate road layout would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs would need to be designed to direct any surface water flow away from building thresholds.
- 10.25 Off-street car parking is proposed in front or side driveways, or in integral, detached or attached garages. No parking spaces are proposed in front of the Barnsley Road elevation of the terraced dwellings. With appropriate landscaping, the car parking proposed throughout site would not have an overdominant or otherwise harmful visual or streetscape impact.
- 10.26 Ten house types are proposed, and variations to some of those house types are also illustrated in the applicant's submission. 14 terraced, eight semi-detached and 12 detached dwellings are proposed. All dwellings would be two storeys in height, although some would have attic rooms, and four units would have three-storey elevations facing northwards, due to the site's topography. The proposed mix of unit types and sizes, and the proposed two and three storeys, would be suitably reflective of existing development nearby and typically found in settlements in southern Kirklees. Conventional massing, roof forms and elevational treatments are proposed. The number of, and variations to, house types would add interest to the proposed street scenes. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed, and these details are considered acceptable.
- 10.27 Acceptable materials (natural stone, slate, uPVC and glass-reinforced polyester) are proposed, however a condition requiring details and samples of all external materials is recommended.

- 10.28 Some details of boundary treatments have been submitted by the applicant, however a condition requiring the submission of full details of all boundary treatments is recommended. Dry stone walls are proposed in appropriate locations. Some rear and side garden boundaries would be exposed to public access, and security would need to be considered when proposals for boundary treatments are assessed at conditions stage, however the use of 1.8m timber fencing in locations visible from the public realm (including along footpath DEN/66/40) would not be considered acceptable. The nine dwellings that would back onto this footpath should be provided with rear garden gates (this can be secured at conditions stage), for the convenience of their residents, and to help activate this pedestrian route. Under the current proposals, the existing dry stone wall to Barnsley Road would be rebuilt on the line of the proposed visibility splay.
- 10.29 A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.30 The proposed development would not adversely affect the settings of heritage assets, including nearby non-designated heritage assets such as the buildings of Inkerman Court and Inkerman House.
- 10.31 In light of the above assessments, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.32 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.33 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook. Residents have expressed concern that no elevation of the north edge of the site (showing the north-facing elevations of units 13 and 22 to 26) has been submitted by the applicant, however individual elevations of those units have been provided – those drawings, together with the submitted site layout plan, enable all parties to adequately assess the impacts and appearance of those dwellings. Of note, although three-storey elevations (with ground floor rear balconies) are proposed at units 22 to 25, rear garden depths of at least 9.5m are proposed for those units, and existing gardens to the north (of four dwellings on Inkerman Way) are at least 13m deep. There are also garages and intervening vegetation in the existing rear gardens, which would help limit overlooking and overshadowing impacts. Concerns have also been expressed by residents regarding the amenity impacts of unit 13, however although this unit would have a north elevation with approximately 1.5m of additional height (beneath its two storeys, due to topography), it would stand adjacent to the existing open space which provides approximately 25m of spacing between that plot and the curtilage of 39 Kenyon Bank to the north. Unit 13 has also recently been amended to an “S” type unit, which has increased the space between its north elevation and curtilage.

- 10.34 The open space to the north of the application site was secured in connection with planning permission ref: 93/00097 and was detailed under planning application 98/90146. Several residents of Kenyon Bank have expressed concern that the proposed development, including the proposed gate on the application site's northern boundary, would lead to a greater level of access to, and more intensive use of, the existing open space. Residents have stated that they are used to that space being used largely by local residents known to them, and are therefore concerned that use by people from a wider area would introduce security concerns. Residents have also stated that more intensive use of the open space would result in losses of amenity, due to the topography of the open space in relation to windows and private gardens. Access through the open space has been referred to in representations, with residents noting that the path to side of 50 Kenyon Bank is not a public right of way, and is unlit.
- 10.35 Officers, however, are not aware of any restriction that would currently prevent the use of this open space by people who do not reside in the existing adjacent dwellings. Furthermore, the open space is maintained by the council (via an easement and gated access from Barnsley Road), and the path to the side of 50 Kenyon Bank is not gated or subject to signed restrictions. It appears that, although existing residents have become accustomed to limited, local use of this open space, there is nothing to prevent its wider use by the public, either now or once the proposed development (if granted planning permission) is built. While residents' amenity concerns are noted, policy LP5 of the Local Plan (in relation to masterplanning) emphasises the need to increase accessibility to existing open spaces, while other policies encourage good neighbourhood connectivity and permeability. When visiting the site, officers noted that the route of the easement between the open space and Barnsley Road appeared to be well-used.
- 10.36 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and given that traffic associated with the development would not pass existing dwellings (other than those on Barnsley Road, which is already a relatively busy highway that carries 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.
- 10.37 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary conditions-stage 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 would also need to be included. A separate condition, requiring details of temporary (construction-phase) drainage arrangements is recommended, as is an informative regarding hours of noisy construction work.

- 10.38 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.39 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. The detached garage of unit 9 would be located fairly close to the dwelling's front elevation, however overall that dwelling would have good outlook. Adequate distances would be provided within the proposed development between new dwellings.
- 10.40 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although the largest units would have studies and/or other habitable rooms at ground floor level that could be converted to bedrooms.
- 10.41 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its likely number of residents.
- 10.42 No noise assessment has been submitted by the applicant. Elevated levels of noise may affect the application site, particularly where plots 1 to 9 and 34 would meet the footway of Barnsley Road. KC Environmental Health officers have therefore recommended a condition be applied, requiring the submission of a report that assesses existing noise levels, and specifies measures (if required) to ensure new residents would not be adversely affected by noise.
- 10.43 The proposed 34 dwellings trigger a need for a Local Area for Play (LAP). The applicant has submitted an open spaces plan which states that 1,063sqm of on-site open space is proposed. This would include the open space above the attenuation tank at the northwest corner of the site, and the "landscape corridor" proposed along the east bank of Ash Well Beck, behind units 9 to 12. Taking into account the proposed on-site provision (which counts as amenity green space and natural and semi-natural green space), the applicant's proposals will still necessitate a financial contribution towards off-site open space. This must be calculated in accordance with Local Plan policy LP63, and the methodology set out in the draft Open Space SPD, taking into account the fact that Denby Dale ward is deficient in parks and recreation grounds and natural and semi-natural green space (in terms of quality). For the proposed development, a contribution of £44,969 would be required. This would include funding for a LAP. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.44 The adjacent allocated site (HS136) has an indicative site capacity of 72 units. Although no planning application for the development of that site has been submitted, consideration should be given to the potential for cumulative impacts (and cumulative requirements) if the two allocated sites are developed. With 34 units proposed at the current application site, and the possibility of approximately 72 units being proposed at the adjacent site in the future, the 106 units in total would trigger a need for a Local Equipped Area for Play (LEAP), and the provision of allotments. In applying a masterplanning approach to the two sites, the current proposals – while not

great enough to trigger a need for a LEAP and allotments – should be required to contribute towards that provision. Therefore, the recommend Section 106 Heads of Terms additionally include a further contribution payable in the event that development at the HS136 site is brought forward. To reduce uncertainty for the current applicant, reasonable time limitations and a sum cap can be included in the Section 106 agreement's wording.

- 10.45 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, landscaping and management.

Unit sizes

- 10.46 The applicant proposes the following unit size mix (by bedrooms):

- 8x 1-bedroom
- 3x 2-bedroom
- 12x 3-bedroom
- 7x 4-bedroom
- 4x 5-bedroom

- 10.47 Overall, this mix is considered acceptable, as it would cater for a range of household sizes, would help create a mixed and balanced community, and would help avoid visual monotony across the site.

- 10.48 The sizes (in sqm) of the proposed residential units is also a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

- 10.49 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, as of April 2021, all permitted development residential conversions will be required to be NDSS-compliant.

- 10.50 Earlier information provided by the applicant indicated that the eight one-bedroom terraced houses (which include the seven proposed affordable units) would not be NDSS-compliant. However, the applicant subsequently remeasured the proposed floorspace, and noted that the Government's NDSS guidance allows for attic storage space (with adequate headroom) to be counted. The applicant has now confirmed that all but one dwelling would be NDSS-compliant, and the one non-compliant unit falls short of the relevant NDSS standard by only 0.7sqm. The proposed unit sizes are as follows (grey highlights the non-compliant unit):

House type	House type description (all 2-storey unless otherwise stated)	Number of units	Size (GIA sqm)	NDSS (GIA sqm, lowest number of occupants)
A	1-bed terraced	8	58	58
B	2-bed semi	3	71.8	70
B1	3-bed semi (3-storey)	4	117.1	90
C	3-bed detached	1	85.5	84
C1	3-bed detached	1	106.3	84
C2	3-bed semi (2.5-storey)	3	100.9	90
C3	3-bed semi	1	83.3	84
G	4-bed semi	1	122.2	97
L1	4-bed detached (2.5-storey)	1	179.3	103
N	4-bed detached	1	164	97
P	4-bed detached	1	146.5	97
R	3-bed semi	2	93	84
S	4-bed detached	3	145.5	97
T	5-bed detached (2.5-storey)	4	195.7	116

- 10.51 The proposed unit sizes are considered acceptable, having regard to the other matters that influence amenity (including outdoor space, outlook and natural light, considered earlier in this report), and again noting the policy position in relation to NDSS, as well as paragraph 018 of the "Housing: optional technical standards" section of the Government's online Planning Practice Guidance (ref: 56-018-20150327).

Affordable housing

- 10.52 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.
- 10.53 The 20% policy requirement would be equivalent to 6.8 affordable units, therefore this 31-unit development would normally necessitate the provision of seven affordable units.

- 10.54 Seven of the proposed 34 units would indeed be affordable. In terms of unit numbers, this represents a 20.6% provision, which meets the requirement of policy LP11. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.55 The applicant has stated that the seven affordable units would be starter homes, whereas the council's preferred tenure mix is 55% social or affordable rent / 45% intermediate. The applicant has argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes recently constructed at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can help foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. The applicant's proposed deviation from the council's preferred tenure mix therefore only attracts limited negative weight.
- 10.56 All affordable housing would need to be provided in perpetuity.
- 10.57 All seven starter homes would be located in the eight-unit terrace proposed along the site's street frontage and would be one-bedroom units. Although a wider mix of affordable unit sizes, and better distribution across the site, would have been preferred, given the tenure of these units and the sizes of the households which they are intended to accommodate, this aspect of the proposals does not attract significant negative weight. The applicant has stated that the provision of all these units in a single terrace can help foster a sense of community among those residents.
- 10.58 Although the proposed affordable provision would include the development's smallest units, similar detailing and the same materials are proposed for all dwellings, which would help ensure that the seven affordable units would not be visually distinguishable from the development's market units. The terrace that would accommodate the seven affordable units would also include one private unit.

Highway and transportation issues

- 10.59 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.

- 10.60 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.61 The application site has a frontage to Barnsley Road (the A635) approximately 90m in length. This stretch of Barnsley Road is subject to a 50mph speed limit, and there are bends in the road to the east and west of the application site. Barnsley Road is used by HGVs, including vehicles moving to and from local quarry sites. Directly outside the application site, Barnsley Road has no yellow line markings along its kerbs, and local residents have provided photographic evidence of vehicles parked here. A vehicular access to Inkerman House/Pool is located opposite the application site, and there are other vehicular access points (including to Garden Terrace and Inkerman Court) further to the east and west. Barnsley Road has a footway on the north side (the application site's side) of its carriageway, however there is only a grass verge on its south side. The application site has a dry-stone wall along the back of the footway, with a single gated opening which provides access (across the application site, via an easement) to the public open space to the north of the site.
- 10.62 Public footpath DEN/66/40 runs along the site's east boundary – this boundary has dry stone walls in various states of repair, as well as unsightly wire and timber fencing, and there is a gated opening at the northeast corner of the site.
- 10.63 A single, new vehicular access point is proposed from Barnsley Road. To the west of this access point, a 2.4m x 103.6m visibility splay is proposed. To enable this provision the applicant proposes to rebuild the existing dry stone wall along a new alignment further into the application site, and additionally proposes the narrowing of the carriageway of Barnsley Road (to 7.3m) to the west of the application site. To the east of this access point, based on a 2.4m deep splay and due to the bend in Barnsley Road, eastwards visibility already extends far (and sufficiently) beyond the site, such that a visibility splay length has not been specified by the applicant.
- 10.64 A right-hand turn pocket is proposed in Barnsley Road, outside the proposed vehicular access point (i.e., not where the carriageway would be narrowed). This would be accommodated within the existing carriageway, and would be 2.5m wide, leaving 3m of carriageway width for each of the running lanes either side of the pocket. The lane serving the right-turn pocket would be 65m long.

- 10.65 From the new vehicular access point, two new estate roads would spread downhill, with a private drive extending from the easternmost estate road. Parking is proposed in detached and integral garages, and in private driveways. Nine on-street visitor parking spaces are also proposed.
- 10.66 The adequacy of visibility at the proposed site entrance has been the subject of discussions at pre-application stage and during the life of the current application. As a starting point, and as the length of the required visibility splays is partly determined by vehicle speeds along the existing highway, a 50mph speed limit would normally suggest 160m long visibility splays would be required. However, notwithstanding legal speed limits, visibility requirements can be determined with regard to the speeds that vehicles actually travel – this approach is allowed for in the Manual for Streets and the Design Manual for Roads and Bridges. Speed surveys were therefore carried out on Barnsley Road. Using this information, and with reference to the 85th percentile speed (i.e., the speed at or below which 85% of all vehicles travel under free-flowing conditions), appropriate lengths of visibility splays can be determined.
- 10.67 A pre-application speed survey was carried out by the applicant team on Barnsley Road over a 2 hour and 45 minute period on 11/09/2018 (a Tuesday), from which the applicant ascertained the mean vehicle speed to be 37.79mph, the 85th percentile dry weather speed to be 41.71mph, and the 85th percentile wet weather speed to be 39.22mph. In addition, two radar speed surveys were carried out by the applicant team on Barnsley Road between 14:45 and 16:45 on 12/12/2018 (a Wednesday) and between 09:45 and 12:15 on 14/12/2018 (a Friday). On both occasions the applicant reported taking just over 200 readings in free-flowing conditions. Interpreting these results, the applicant has stated that the 85th percentile wet weather speeds were 42.19mph and 41.62mph in the respective surveys.
- 10.68 To verify the applicant's speed survey findings, Highways Development Management (HDM) officers undertook a speed survey on Barnsley Road on the morning of 04/10/2019 (a Friday). 50 readings were taken over approximately 50 minutes, with the average speed of vehicles noted at 38.72mph. Based on the findings of this survey, officers put the 85th percentile speed at 46mph.
- 10.69 At the request of officers, seven days of further speed surveys were then undertaken by the applicant team on 22 to 28/09/2020, using installed tubes that measured all-day eastbound and westbound speeds. Based on these surveys, the applicant put the 85th percentile speed (eastbound) at 44.3mph.
- 10.70 The extensive speed survey work carried out by the applicant team and officers provides a reliable basis upon which appropriate visibility splay lengths can be ascertained.

- 10.71 Taking into account stopping sight distances and the gradient of Barnsley Road, the applicant's Transport Assessment (which pre-dated the week-long speed survey in September 2020) concluded that the required visibility at the site entrance is 103.51m, or 105.91m if a 2.4m bonnet length is included. This has been disputed by some residents, with reports by Northern Transport Planning (commissioned by residents, and dated July 2019 and January 2021) stating that 120m long visibility splays are needed. However, officers are of the view that, with a 2.4m x 103.6m visibility splay proposed to the west of the proposed site entrance, and adequate visibility already available to the east, the proposed location of the vehicular access point is considered acceptable in highways safety terms.
- 10.72 Notwithstanding this acceptability, the applicant has additionally offered to provide a financial bond to allow for the investigation, public consultation, and potential installation of a reduction in the speed limit outside the site from 50mph to 40mph along a length of road to be determined by the council's Highway Safety department.
- 10.73 This offer is welcomed, however in light of the above assessment it is not recommended that the applicant's offer be accepted for highway safety reasons. There are, however, other reasons (relevant to planning) for accepting this offer. A reduced speed limit would assist in improving the amenities of residents of the proposed development to an acceptable degree, by reducing noise at the dwellings proposed nearest to the road and reducing noise along the footway that would be used by new residents. Slower traffic would also increase the likelihood of new residents using more sustainable modes of transport (walking and cycling), which is an objective supported by Local Plan policies. There may also be benefits in relation to reduced emissions, reduced fear of perceived highway safety risks (of note, traffic passing at speed is generally more disconcerting to pedestrians than slower traffic, even where the actual highway safety risk is no greater), and an increased likelihood of public rights of way being used (of note, several north-south footpaths meet Barnsley Road on both sides of the highway). The fact that Barnsley Road has street lighting and existing access points with poor visibility further suggests that a reduced speed limit would be appropriate.
- 10.74 Of note, the applicant's offer would not guarantee that a reduction in the speed limit would be introduced – implementation of such a change would be subject to local consultation (although officers are aware that some local residents support a lower speed limit). It is also noted that the new speed limit (if deemed appropriate) would not be determined at this stage, although it is noted that Highways Safety officers have previously stated that a 30mph speed limit would not be appropriate here. The extent of a reduced speed limit would also not be determined at this stage, however the relevant Traffic Regulation Order (TRO) could extend for the entire 2km length of Barnsley Road from its junction with the A636 to The Dunkirk PH – this would appropriately extend past a possible vehicular entrance to future development at the adjacent allocated site (HS136), and past the York House site where planning permission has previously been granted for a five-unit residential development (ref: 2018/92022) and where a further application is currently under consideration (ref: 2020/94314).

- 10.75 To further improve safety at the proposed new vehicular access point, the applicant intends to provide a 2.5m wide right-turn pocket to allow drivers to wait safely out of the 3m eastbound and westbound running lanes. Although the standard width for this facility would be 3m, the vast majority of vehicles using it will be narrower than the proposed pocket, and the applicant has proposed a more substantial provision than the two existing right-turn pockets in place at the crossroads outside The Dunkirk PH (which each measure approximately 1.8m in width). Sub-3m pockets exist at several other site entrances in the borough. The relatively low numbers of vehicles that would access the application site further indicates that this proposed arrangement is acceptable.
- 10.76 Residents have expressed concern that overhanging trees on the south side of Barnsley Road to the east of the application site limit visibility for westbound traffic, increasing the likelihood of vehicles (including HGVs, which have longer braking distances) shunting cars that are waiting in the right-turn pocket. This point is noted, but is a highway maintenance concern, rather than a reason to secure an alternative site access arrangement.
- 10.77 Residents have also expressed concern regarding previous accidents on Barnsley Road, with some residents stating that a fatal accident occurred directly outside the application site. Accident data (for a five-year period, 01/01/2013 to 31/06/2018) has been reviewed in the applicant's Transport Assessment and mapped at Appendix B. No "slight", "serious" or "fatal" accidents were recorded during this period for the stretch of Barnsley Road outside the application site.
- 10.78 The proposed slight reduction in carriageway width to the west of the application site (to 7.3m) has not attracted objections from the council's Highways Safety officers.
- 10.79 Movements into and out of the nearby access to Inkerman House/Pool have been considered in relation to the proposed carriageway alterations. The operator of that facility has stated that there are as many as 70 vehicle movements per hour at that access point when the pool is open. It is, however, noted that neither the new vehicular entrance nor the carriageway narrowing are proposed directly in front of the access to Inkerman House/Pool, and it is further noted that drivers will already be slowing down (as they approach the access to Inkerman House/Pool, with the intention of turning into it) before they reach the application site. As such, it is considered that the proposed development would not introduce new or increased highways safety risk in relation to movements associated with Inkerman House/Pool.
- 10.80 The applicant's Transport Assessment predicts that the proposed 34-unit development would generate approximately 26 two-way vehicle movements in the a.m. peak hour, and 28 two-way vehicle movements in the p.m. peak hour. This is not considered significant in the context of the local highway network's capacity. Residents have expressed concern that the applicant's assessment was based on trip generation data relevant to an urban location, rather than a village, however it is considered that a reassessment based on a different data set would have still resulted in predicted vehicle movements that would not cause a severe adverse effect in relation to traffic and congestion.

- 10.81 Regarding the proposed development's internal arrangements, the proposed layout is largely compliant with the council's Highway Design Guide SPD. Amendments to address the last outstanding concerns of HDM officers were submitted on 03/02/2021, and the further comments of HDM officers will be reported in the committee update.
- 10.82 Acceptable off-street parking is proposed for the proposed residential units in accordance with the council's Highway Design Guide SPD. The applicant's floor plans confirm that the proposed garages would be of an adequate size in compliance with paragraph 5.15 of the Highway Design Guide SPD. The provision of one parking space for each of the "A" type terraced dwellings is considered acceptable, as these are genuinely one-bedroom properties, and provision of additional parking spaces for these units is likely to result in unacceptable waste storage arrangements and street scene impacts. Nine parking spaces for visitors are proposed, which is considered adequate. The proposed creation of a new vehicular access point on Barnsley Road would prevent visitors to Inkerman House/Pool from parking along that part of the road, however this would not result in a significant loss of available parking spaces, relative to what would remain available.
- 10.83 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.84 Storage space for three bins, and refuse collection points, will be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways. A further condition, requiring details of storage and access arrangements should development of the site be phased (and should some residential units become occupied before the development is completed) is also recommended.
- 10.85 Having regard to paragraph 5.19 of the council's Highway Design Guide SPD, the proposed development is not of the size that would normally necessitate the submission of a Travel Plan. However, should development come forward at the adjacent allocated site (HS136), the total number of units across the two sites would trigger the requirement for a Travel Plan. It would therefore be appropriate to secure a contribution towards Travel Plan monitoring (payable in the event that development is brought forward at the adjacent site) under the current application via a Section 106 agreement.
- 10.86 Public footpath DEN/66/40 has potential for greater use once land either side of it is developed, as it provides a route from Barnsley Road to the centre of Denby Dale and its facilities, however as noted above, a pedestrian connection between the proposed estate road and this footpath is not considered necessary. The open space proposed at the application site's northwest corner, and its pedestrian connection to Kenyon Bank, would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed.

Flood risk and drainage issues

- 10.87 The site is within Flood Zone 1, and is over one hectare in size, therefore the applicant submitted a site-specific Flood Risk Assessment (FRA). The site generally slopes downhill from the south to the north, and a watercourse (Ash Well Beck) exists directly to the west of the application site. The nearby stretch of the beck has two trash grilles protecting the watercourse's culverted sections from blockages. These grilles are maintained by the council and are cleaned on a cyclical basis. There have been a small number of incidents of flooding along the culverted sections of Ash Well Beck to the north of the application site, however these incidents have not affected the application site.
- 10.88 Several residents of Kenyon Bank and Inkerman Way have stated that their rear gardens flood during/following periods of heavy rain. Indeed, when visiting the site on 24/07/2019, the case officer observed very wet ground in parts of the open space between Kenyon Bank and the application site. Accordingly, and in light of the applicant's findings, infiltration has been ruled out (as a method of surface water disposal) by officers.
- 10.89 The applicant proposes to dispose of surface water via an attenuation tank at the northwest corner of the site, from which water would flow (via a hydrobrake) to Ash Well Beck, entering this existing watercourse at a rate of 5 litres per second.
- 10.90 The Lead Local Flood Authority (LLFA) initially objected to the proposed development, stating that the adequacy of Ash Well Beck (for the discharge of surface water) had not been demonstrated, and that inadequate provisions for flood routing had been proposed. Following the submission of further information and amended drawings (including drawings which changed unit 13 from an "N" type to an "S" type unit, which would have a smaller footprint), the LLFA confirmed on 29/01/2021 that their outstanding concerns had been addressed.
- 10.91 Details of temporary (construction-phase) surface water drainage arrangements would be secured via a recommended condition.
- 10.92 Foul water from the proposed development would discharge to the existing sewer beneath public footpath DEN/66/40. Residents have expressed concern that existing sewers are at capacity, and would not be able to cope with additional flows, however this aspect of the proposals has not attracted an objection from Yorkshire Water, and is considered acceptable. A resident of an existing property on Inkerman Way has additionally expressed concern that this sewer passes beneath their extension, and that noise from the sewer would increase as a result of increased flows, however it cannot be ascertained precisely how noise from the sewer might change as a result of the development, nor whether this would have a material impact in relation to neighbour amenity.

Trees, landscaping and biodiversity

- 10.93 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 within and along some of the site's edges, and a Tree Preservation Order DD2/51/w29 protects trees immediately to the west. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site, and a Wildlife Habitat Network covers the banks of Ash Well Beck to the west, and areas to the south on the opposite side of Barnsley Road.
- 10.94 KC Ecology initially expressed concern that inadequate information had been submitted by the applicant. Similar concerns have been raised by residents, with many noting the presence of hedgehogs and other protected species. KC Ecology accepted that a breeding bird survey was not required, but that a reptile survey was.
- 10.95 An Ecological Impact Assessment (rev 3, dated February 2021) (EclA) was submitted by the applicant on 02/02/2021. This includes details of a reptile survey carried out in 2019, and other surveys. The EclA notes that no evidence of reptiles, bats or badgers was found, but that toads were found, that several species of bird were likely to nest at the site, and that it should be assumed that hedgehogs are present. The report goes on to state that nesting birds and habitat associated with grassland and scrub would be negatively affected by proposed development. The applicant has therefore proposed mitigation measures intended to reduce impacts, and to enhance the woodland corridor to the west. The beck and woodland corridor would be protected from impacts through the provision of a fenced buffer strip during construction, and through the correct storage of materials away from the watercourse. The applicant further advises that measures should be fully detailed in an Ecological Design Strategy (EDS) which would include specifications, quantities, locations, timing and resources, as appropriate to the measures concerned. It is recommended that conditions be applied to secure these measures.
- 10.96 A net biodiversity gain also needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Such a gain has not yet been demonstrated by the applicant. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. A condition and Section 106 obligations are recommended, requiring the applicant to provide the necessary calculation, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on-site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the council would be required to spend on compensatory measures at an available site.
- 10.97 Conditions related to boundary treatments and lighting can be used to ensure walls and fences are designed to be hedgehog-friendly, and that external lighting would be directed away from watercourse.

- 10.98 Outdoor spaces around the site (outside private curtilages) would need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping.
- 10.99 The proposed dwellings would be located far enough away from the TPO-protected trees to the west, however a condition is nonetheless recommended, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan.

Environmental and public health

- 10.100 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to discourage high emission vehicle use and encourage modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, would be secured via the recommended Section 106 obligations.
- 10.101 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.102 Regarding the social infrastructure currently provided and available in Denby Dale (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

- 10.103 Regarding site contamination, KC Environmental Health have confirmed that the applicant's Phase 1 report is adequate, but that the Phase 2 report cannot be approved at this stage, as gas monitoring has not been completed. The four conditions (relating to site contamination) suggested to by KC Environmental Health are recommended.
- 10.104 The application site is within the Development Low Risk Area as defined by the Coal Authority, therefore no Coal Mining Risk Assessment needed to be submitted by the applicant. A relevant condition is recommended.

Representations

- 10.105 A total of 184 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

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

- 1) Affordable housing – Seven affordable housing units (1-bedroom starter homes) to be provided in perpetuity.
- 2) Open space – £44,969 contribution towards off-site provision, and an additional contribution payable in the event that development comes forward at the adjacent allocated site (HS136) and the cumulative impacts of the developments require mitigation.
- 3) Education – Contribution of £36,007.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, and a contribution towards Travel Plan monitoring payable in the event that development comes forward at the adjacent allocated site (HS136) such that a Travel Plan is required.
- 5) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 6) 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).
- 7) Traffic Regulation Order – Funding of consultation on, and implementation of (if deemed appropriate, following consultation) a Traffic Regulation Order reducing the speed limit on Barnsley Road to 40mph.

10.107 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

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

10.109 The comments of Denby Dale Parish Council are noted, however the alleged inaccuracies in the submitted drawings have not been specified by the Parish Council.

10.110 The impact of the proposed development on property prices is not a material planning consideration.

- 10.111 The availability of other dwellings in Denby Dale is not necessarily an indication of oversupply or a lack of local demand, and is not a reason for refusal of planning permission for more housing. Market churn is to be expected, and there may be a variety of reasons why other properties remain unsold.
- 10.112 Several residents have stated that they did not receive the applicant's pre-application mailshot mentioned at paragraph 5.2 above, although two residents mentioned that they had indeed been contacted by the applicant. While pre-application consultation is encouraged in accordance with paragraph 40 of the NPPF, such consultation is not mandatory.
- 10.113 The timing of the publication of the latest comments of Highway Development Management officers has been raised as a concern by residents, however the council is not required to publish consultee responses prior to commencing public consultation, and residents were not prevented from commenting on the highways-related aspects of the propose development. It is normal for consultation of officers and residents to be carried out simultaneously.
- 10.114 The Upper Dearne Valley Environmental Trust (UDVET) have stated that a wider masterplan (for the valley) is needed before a decision is made on the current application. While the idea of wider masterplanning has merit, it is noted that the Local Plan provides an informed, sound basis for the planning and development of the borough, that cumulative impacts can be considered at application stage, and that no Neighbourhood Plan has been prepared for Denby Dale by local organisations.
- 10.115 The Community Infrastructure Levy (CIL) is not being applied in Kirklees.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS141, 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), 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. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 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 documents.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary (construction-phase) surface water drainage arrangements.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Submission of details relating to internal adoptable roads.
8. Submission of details of surfacing and drainage of parking spaces.
9. Submission of details of highways structures.
10. Cycle parking provision prior to occupation.
11. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
12. Submission of details of waste storage and collection.
13. Submission of details of any retaining walls.
14. Submission of an Arboricultural Method Statement and Tree Protection Plan.
15. Submission of a detailed drainage design for surface water and land drainage, and a detailed exceedance flow routing plan.
16. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
17. Submission of an intrusive site investigation report (phase II report).
18. Submission of a remediation strategy.
19. Arrangements in the event that unexpected contamination is encountered.
20. Submission of a validation report.
21. Submission of details of sound insulation measures.
22. Submission of details of crime prevention measures.
23. External materials (details and samples to be submitted).
24. Submission of details of boundary treatments.
25. Submission of details of external lighting.
26. Submission of a full landscaping scheme, Ecological Design Strategy and Landscape and Ecological Management Plan.
27. Submission of details of biodiversity enhancement and net gain.
28. Restriction on removal of trees and hedgerows during nesting season.
29. Removal of permitted development rights for extensions and outbuildings.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91836>

Certificate of Ownership – Certificate B signed