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**Report of the Head of Planning and Development****STRATEGIC PLANNING COMMITTEE****Date: 21-Nov-2019****Subject: Planning Application 2019/90151 Erection of 190 dwellings and associated landscaping and infrastructure Land to the North of, Cumberworth Road, Skelmanthorpe, Huddersfield, HD8****APPLICANT**

Matthew Burrow, Conroy  
Homes Ltd and  
Persimmon Homes (West  
Yorkshire) Ltd

**DATE VALID**

28-Feb-2019

**TARGET DATE**

30-May-2019

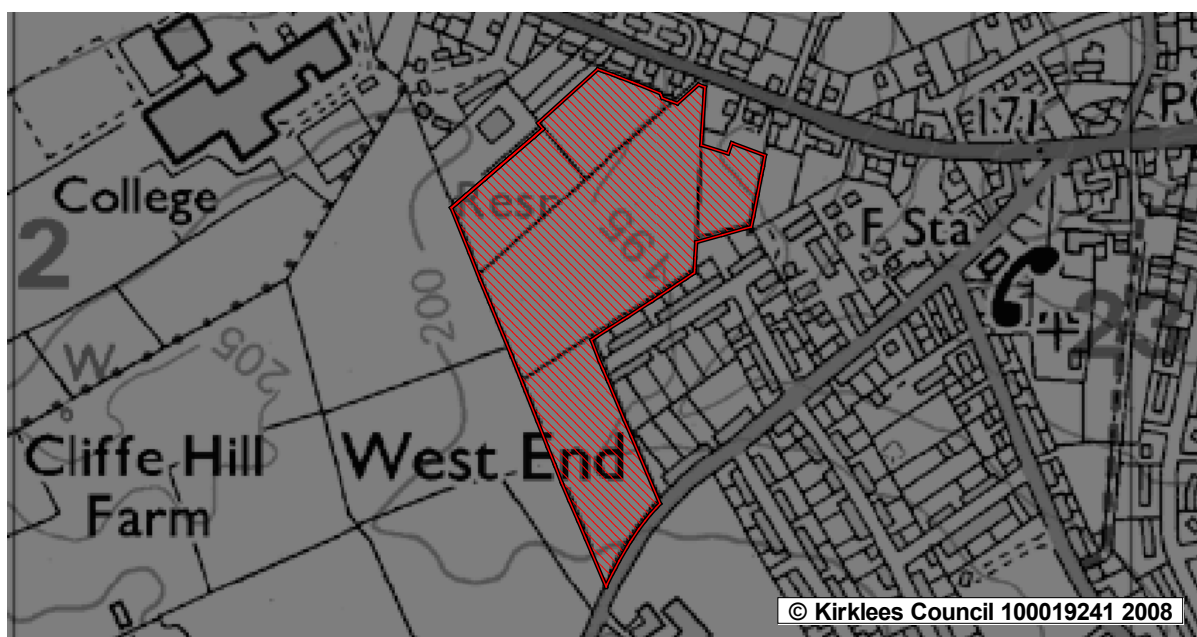
**EXTENSION EXPIRY DATE**

28-Nov-2019

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

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

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected:    Denby Dale**

Y

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Secure the signing of a section 106 Agreement to secure the provision of: Public open space provisions including off site commuted sum (£194,481.00) and future maintenance and management responsibilities of open space within the site and off –site landscaping to the western boundary.

Maintenance and management responsibilities of drainage within the site. Additionally contribution of £20,000 to fund upgrading/improvements of off-site drainage infrastructure.

Contribution towards a residential travel plan fund (£95,095.00) and Travel Plan Monitoring Fee, consisting of five payments of £2,000.

20% (i.e. 38 dwellings) of total number of dwellings (i.e. 190 dwellings) to be affordable, with a tenure split of 45% (i.e. 17 dwellings) “affordable rented” and 55% (i.e. 21 dwellings) to be “shared ownership dwellings.”

£520,570.00 towards Education requirements arising from the development, including:

Primary Provision – Skelmanthorpe Academy = £284, 761.00

Secondary Provision – Scissett Middle School = £235, 809.00

2. Complete the list of conditions including those contained in this report and issue the decision notice.

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

## **1.0 INTRODUCTION:**

- 1.1 The application is submitted as a full planning application for the erection of 190 dwellings and associated landscaping and infrastructure. The description was originally submitted as 192 dwellings and associated landscaping and infrastructure.
- 1.2 The planning application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation as the number of units exceeds 60 units.
- 1.3 The application site forms part of a Local Plan housing allocation, site reference HS140.
- 1.4 There has been a high level of public objection to this planning application. At the time of printing the agenda a total of 839 representations had been received.
- 1.5 The application was first taken to the Strategic Planning Committee on the 24<sup>th</sup> October 2019, where the committee resolved to defer the application on the following grounds:
  - Drainage management of the southern watercourse (on & off site) to achieve the long term maintenance and management arrangements for scheme as proposed. (Please refer to paragraph 10.64)
  - Greater distribution of affordable housing (Please refer to paragraph 10.28)
  - Further clarification regarding the allocation of education contributions (Please refer to 'Other Matters' section, starting from paragraph 10.85)
  - Strengthening the western boundary with more trees (Please refer to paragraph 10.6)
  - Footpath link to Heather Fold to be removed (Please refer to paragraph 10.42)
  - Size of Dwellings under the Minimum space standards (Please refer to paragraph 10.23)
- 1.6 To address the above matters, the applicant has provided additional information outlined in paragraph 5.10 of this report. The specific matters raised by members of committee are addressed within the assessment of the report in the stated sections and paragraphs.
- 1.7 After the receipt of amended plans and documentations, a 7-day public consultation was carried out, which ended on 11<sup>th</sup> November 2019. The comments received are summarised in paragraph 7.12 of this report.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site measures 5.68 hectares and consists of 5no. medium to large scale pastoral agricultural fields (mainly used for the grazing of cattle) in an 'L' shape, denoted by a mixture of hedges individual trees and stone walls. The site is located on the western edge of the settlement of Skelmanthorpe. It has a frontage on to Cumberworth Road along its south-eastern boundary, as well as a short frontage on to Huddersfield Road (B116), between dwelling nos 63a and 65.

- 2.2 The site has a number of undulations but generally slopes in a west to east direction, with the highest point to the south west at Cumberworth Road at 201m AOD to the north east, nearest to the present construction site at 188m AOD. The local topography allows distant views of the wider countryside from the site, which includes Emily Moor Mast, 2.4km to the north.
- 2.3 The southern field of the site includes wooden pylons and 33kV and 11kV lines. There is a section of culverted watercourse within the north east of the site flowing behind properties on Huddersfield Road and there is a former watercourse crossing the southern end of the site that has been investigated to have found to be permanently blocked up.
- 2.4 Current access arrangements to the site include an access track over third party land from Huddersfield Road, at its north-western corner and by a field access from Cumberworth Road, at its south-western corner.
- 2.5 To the east of the site there are two small parcels of land within the same housing allocation, that have planning approval for the erection of 5no dwellings with associated site road, parking and landscaping (Reference: 2017/92504) and the erection of 2no. dwellings (References: 2013/93610 and 2016/91566). The latter is complete, whilst the former is currently under construction.
- 2.6 The site's south eastern edge is bounded by domestic gardens associated with properties at Bedale Drive and Cumberworth Road, whilst its northern edge is bounded by domestic gardens associated with properties at Huddersfield Road. To the north west of the site there is a private drive which provides access to three residential properties and Cliffe Hill Reservoir. The reservoir is disused and is bounded by a mixture of semi-mature trees, shrubs and hedgerows. To the south west of the site are agricultural fields and is very much open countryside, which is designated as Green Belt.
- 2.7 Further afield, Shelley College is approximately 200m north west of the site, whilst the centre of Skelmanthorpe is approximately 400m east of the site and St Aidan's primary school 650m to the south-east.
- 2.8 The site is not within a conservation area, the nearest is Skelmanthorpe conservation area at approximately 235m to the east. The site is not within the setting of a listed building, the nearest being 1 Wood Street (Grade II) at approximately 225m to the east and the Church of St Aiden (Grade II) at 310m to the east. It is considered that given the intervening built environment, landscape features and the lie of the land that there would be no impact on these heritage assets.
- 2.9 The application site is within Flood Zone 1 (the lowest risk of flooding). There are no public rights of ways that cross the site and there are no trees on the site that are protected under a Tree Preservation Order (TPO).
- 2.10 The application site is within a High Risk Coal Referral Area and adjacent to the disused Cliffe Hill Reservoir which is a UK BAP priority habitat.

### **3.0 PROPOSAL:**

- 3.1 The application is submitted in full and comprises of the erection of 190 dwellings, consisting of a variety of house typologies, including:
- Alnwick – 2 storey, 2 bedrooms, Semi detached/Terrace. 33 units. Floor space – 59.2 sqm
  - Barton – 2 storey, 2 bedrooms, Semi detached/Terrace. 32 units. Floor space – 70.7 sqm
  - Belmont – 2 storey, 4 bedrooms, Detached. 10 units. Floor space – 118.6 sqm
  - Buttermere semi – 2 storey, 3 bedrooms, Semi detached. 20 units. Total floor space – 80.8 sqm
  - Buttermere – 2 storey, 3 bedrooms, Detached. 16 units. Floor space – 80.8 sqm
  - Carleton – 2.5 storey, 3 bedrooms, Terrace. 15 units. Floor space – 91 sqm
  - Coniston – 2 storey, 4 bedrooms, Detached. 6 units. Floor space – 113.5 sqm
  - Derwent – 2 storey, 3 bedrooms, Detached. 15 units. Floor space – 90 sqm
  - Earlswood – 2.5 storey, 4 bedrooms, Detached. 3 units. Floor space – 113.3 sqm
  - Hornsea – 2 storey, 4 bedrooms, Detached. 20 units. Floor space – 101.8 sqm
  - Lockwood – 2 storey, 3 bedrooms, Detached. 2 units. Floor space – 92.8 sqm
  - Lockwood Corner – 2 storey, 3 bedrooms. Detached. 4 units. Floor space – 92.8 sqm
  - Windermere – 2.5 storey, 3 bedrooms, Semi detached/Terrace. 14 units – Floor space – 90.1 sqm
- 3.2 The house types use a range of gable, porch and dormer features, together with window openings defined by with cill and lintel dressings. The planning application form states that building materials are to be agreed. However, the Design and Access Statement shows some photomontages of the proposed house types that include the use of red or buff colour brick and red and grey roof tiles.
- 3.3 Vehicular and pedestrian access is proposed with Cumberworth Road. Pedestrian and cycle only access is sought with Huddersfield Road to the north east.
- 3.4 It is proposed that 20% of the proposed dwellings would be affordable housing. The proposed 38 dwellings would consist of Alnwick (23 units) and Carleton (15 units) house types which are described above.
- 3.5 Each dwelling plot has a driveway and private amenity space; some dwellings have integral or detached garages. A range of boundary materials have been proposed in relation to the context of the space being bounded, they include:
- 900mm Wall
  - 900mm Post and 2 Rail Fence
  - 450mm Timber Knee Rail
  - 900mm Hoop Top Railings
  - 1800mm High Screen Wall/Fence
  - 1800mm High Close Boarded Fence

- 3.6 The dwellings have been arranged around a hierarchy of roads. At the access with Cumberworth Road, the proposed spine road is defined by vegetation and visitor parking bays and runs north through the site and then weaves eastwards through the development, splitting into secondary roads which create two loop roads to the north east and north west of the site. A number of private driveways that serve up to 6no. dwellings can also be found off the main spine road. The roads have been designed with curves, bends and shared surfaces to reduce the speed of vehicles through the site.
- 3.7 Two areas of Public Open Space (POS) are proposed, one adjacent to the residential development being constructed to the east and another adjacent to Cumberworth Road in the south. The proposed POS include an underground surface water tank as well as a number of underground services.

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

- 4.1 There is no relevant planning history for this application site.
- 4.2 Other relevant planning applications, adjacent to the application site's north east boundary, include:

Reference: 2017/92504

Location: Land to rear of, 49/51, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR

Proposal: Erection of 5 dwellings with associated site road, parking and landscaping

Decision: Conditional Full Permission (27 Apr 2018)

Reference: 2016/91566

Location: Rear of, 37, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR

Proposal: Reserved matters application pursuant to permission no. 2013/93610 for Outline application for erection of 2 detached dwellings

Decision: Approval of Reserved Matters (19 Sept 2016)

Reference: 2014/92889

Location: Land rear of, 49/51, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR

Proposal: Outline application for residential development

Decision: Conditional Outline Permission (4 Nov 2015)

Reference: 2013/93610

Location: Rear of 37, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AR

Proposal: Outline application for erection of 2 detached dwellings

Decision: Conditional Outline Permission (14 Mar 2014)

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

- 5.1 The applicant has previously requested pre application advice from the Council, subsequently meetings were arranged between members, officers and the applicant on 11/1/16 and 22/5/18. Pre application letters were then sent to the applicant on 17/2/17 and 10/8/18, respectively.

5.2 In relation to the first pre application enquiry, the following matters and guidance were provided, which are summarised below:

- Principle of the development in relation to the council's 5 year housing land supply position, the Kirklees Unitary Development Plan, the emerging Local Plan and the NPPF (2012). At the time, majority of the site was designated as Provisional Open Land (POL), whilst the southern field was designated as Green Belt.
- On site requirements and/or financial contributions for affordable housing, POS and education
- Issues raised with the submitted layout showing 135 dwelling houses, regarding lack of pedestrian permeability, POS and landscaping, particularly along the western boundary with the green belt.
- The layout should take into account the design principles set out in Building for Life 12.
- Speed surveys were requested of Cumberworth Road and traffic surveys and analysis of the wider area, included within a Transport Assessment.
- Consider any permeability issues and the layout should use of shared surface treatments and accord with Manual for Street principles as well as the parking standards set out in Appendix 2 of the UDP
- Phase 1 Land Contamination Report requested and the development should be designed to encourage the use of ultra-low emission vehicles.
- Flood Risk Assessment requested which takes into consideration the nearby Cliffe Hill Reservoir.
- Matters of surface water flood risk, flood incidents, watercourse location, surface water discharge and flood routing were raised that would need to be addressed.
- More landscaping was to facilitate the necessary biodiversity enhancement across the site.
- Consultation was encouraged with residents and ward members.

5.3 In relation to the second pre application enquiry, the following matters and guidance were provided, which are summarised below:

- Principle of the development in relation to the council's 5 year housing land supply position, the Kirklees Unitary Development Plan, the emerging Local Plan and the NPPF (2012). At the time, majority of the site was designated as Provisional Open Land (POL), whilst the southern field was designated as Green Belt.
- On site requirements and/or financial contributions for affordable housing, POS, education and Metro cards.
- Layout showing 192 dwellings was submitted and comments were made on the need for justification for the proposed density.
- Concerns were raised about an over reliance on front garden communal car parking and impact on the street scene.
- Concerns raised about the lack of a landscape buffer with the adjacent green belt and concerns raised in relation to very little landscaping in the street scene.
- Preference for a more permeable layout which would in turn aid with refuse collection.
- Layout does not accord with the councils parking policy and further highway junction design details were requested.
- An Independent Stage 1 Road Safety Audit requested.
- A scoping brief for the Transport Assessment and Travel Plan should be agreed with Highways Development Management prior to submission, likely to include:

- Details of proposed trip generation
- Picadly assessment of the junction with Cumberworth Road and Huddersfield Road
- Access to the site by various modes
- Accident analysis
- Up to date vehicle speed surveys on Cumberworth Road to calculate minimum permissible visibility splays from the new junction
- Capacity analysis of nearby junctions to understand whether or not there is a need for them to become signal controlled.
- Highways Structures officers stated that planning conditions would be recommended so that the necessary design and construction details are submitted prior to construction.
- Highway Safety officers requested further details regarding the proposed emergency access point and have suggested that the 30mph/derestricted speed limit would need to be relocated due where the proposed junction is located.
- No trees considered to be worthy of protection and the proposed retention of some of the existing hedgerows to the west and north west was welcomed.
- A number of ecological surveys were provided and it was recommended that these should inform the Ecological Impact Assessment.
- The layout plan should seek to retain as many trees and hedgerows as possible to achieve biodiversity enhancement across the site.
- Matters of surface water flood risk, flood incidents, watercourse location, surface water discharge and flood routing were raised that would need to be addressed.
- Flood Risk Assessment requested which takes into consideration the nearby Cliffe Hill Reservoir.
- Validation checklist requirements provided to the applicant.

5.4 On 19/03/2019 the council issued an Environmental Impact Assessment (EIA) Screening Opinion, confirming that a proposed development of “Erection of 192 dwellings and associated landscaping and infrastructure” at this site would not necessitate EIA, and that an Environmental Statement would not be required to support a planning application for that development.

5.5 After the consultation period, the council in accordance with paragraph 38 of the NPPF sought further details and amendments to the design proposals to address the matters raised. On 19<sup>th</sup> July 2019, this information was received including the following documents and drawings:

- Design and Access Statement Rev A prepared by PHWY;
- Statement of Community Involvement Addendum prepared by Lichfields;
- Transport Assessment Addendum prepared by Optima Highways;
- Flood Risk Assessment Rev B prepared by ID Civils;
- Travel Plan Revision 1 prepared by TPS;
- Mineral Safeguarding Note prepared by Sirius Planning Drawings
- Proposed Planning Layout ref: CRSK-2018-001J prepared by PHWY;
- Housetype Plans and Elevations prepared by PHWY
- Boundary Treatments ref: CRSK-BOUN-1A prepared by PHWY;
- Landscape Masterplan ref: R-2179-1D prepared by FDA Landscape.



5.6 A supporting letter was also provided which provided a summary of the key amendments:

- Overall number of dwellings decreased to 191;
- Housetypes amended to new group core range and mix amended;
- 3 metre grass verge introduced either of the side of spine road with heavy standard trees to be planted along eastern verge;
- Configuration of layout altered in numerous places including the separation of the two terraces (Plots 160-167), Plot 51 repositioned, 2.5 storey dwellings introduced at the head of the spine road (Plots 29-32) and plots moved around generally to improve separation distances, space about dwellings and garden sizes;
- Introduction of a footpath link towards Heather Fold to clarify the functionality of the Public Open Space and to ensure greater compliance with Policy LP5: Masterplanning;
- Parking solutions have been considered and the amount of frontage parking has been reduced to break up areas of hardstanding and soften plot frontages;
- Bin Collection Points added in certain places to aid refuse collection. Where rear access paths are not provided for terraced dwellings, bin storage shelters are provided within the front curtilage;
- An enhanced landscape buffer is shown to respond to the requirements of Policy HS140;
- Boundary treatments across the site have been reviewed and the Boundary Treatments Elevations has been updated as a result.
- In addition to the enhancement/infilling of the existing hedgerows around the perimeter of the site, a new 5m wide native buffer is indicated outside the red line abutting the southern portion of the eastern boundary. Maintenance access is to be secured via an agreement with the landowner who controls this part of the site;
- Originating from the eastern boundary, a new instant hawthorn hedge will be planted behind Plots 62-69 and continuing around to join up with the section of existing hedge near Plot 117. This provides a visual benefit as well as the wildlife corridor prescribed by the Ecological Impact Assessment (ECIA);
- Responding to comments from the Police Architectural Liaison Officer, a number of hard and soft boundary treatments have been indicated to distinguish between the public and private realm and improve security. This is particularly prevalent in front of Plots 117 – 119 and Plots 151-155;
- The usability of the POS is further enhanced via the addition of 3no. benches and 1no. bin adjacent to the footpath;
- In accordance with the mitigation measures set out in the ECIA, 20no. nesting boxes are indicated on the plan; Housetype Plans and Elevations;
- The Transport Assessment Addendum summarises the additional traffic data which was collected during the month of May 2019. Analysis of the data confirms the site's sustainability and that the proposed number of dwellings will not have a material impact on the existing road network. There is also a section in the TA Addendum which discusses the layout, demonstrating both that the internal road network can safely accommodate refuse and other large vehicles and that there is a sufficient level of visitor and private parking to support the predicted number of cars on the development.
- The Travel Plan has been modified in terms of the monitoring targets calculated by the proposed number dwellings.
- The Flood Risk Assessment (FRA) and Drainage Strategy confirms the proposals for surface water and foul drainage which is proposed to drain to both combined and surface water sewers at a controlled rate. The FRA also

- demonstrates how the new development will respond to existing flood risk, a surface water exceedance route is indicated on the drainage strategy plan.
    - Minerals Safeguarding Sirius Planning have prepared a letter which explains how the proposals comply with Local Plan Policies LP36 (Proposals for Mineral Extraction) and LP38 (Minerals Safeguarding).
    - Owing to the relatively high number of public consultation response, a Statement of Community Involvement (SCI) Addendum has been prepared to further explain how the updated proposals have considered the feedback from local residents and other key stakeholders.
    - A draft version of the agreement is enclosed
- 5.7 After further public consultation and concerns raised on the 191 dwellings scheme, the applicant subsequently carried out further site investigation work in relation to underground culverts. The proposal was subsequently revised to address these matters, as well as matters regarding residential and visual amenity. On 30<sup>th</sup> September 2019, the following information was received:
- Proposed Planning Layout ref: CRSK-2018-001M prepared by PHWY – this supersedes the version submitted on 19th July ref: CRSK-2018-001J;
  - Landscape Masterplan ref: R-2179-1E prepared by FDA Landscape – this supersedes the version submitted on 19th July ref: R-2179-1D;
  - 3. Boundary Treatments Plan ref: CRSK-BOUN-1B this supersedes the version submitted on 19th July ref: CRSK-BOUN-1A;
  - 4. Flood Risk Assessment and Drainage Strategy prepared by ID Civils ref: 4902/FRA01(D) – this supersedes the version submitted on 19th July ref: 4902/FRA01(B).
- 5.8 A supporting letter was also provided which provided a summary of the key amendments to the planning layout, including:
- Overall number of dwellings reduced to 190;
  - Plots 106-115 reconfigured to allow sufficient separation distances to existing dwellings on Huddersfield Road – dimension markers added to layout;
  - Plots 155-158 moved forward to allow sufficient separation distances to existing dwellings on Bedale Drive – dimension markers added to layout;
  - Bin store removed for Plot 153, rear access path added;
  - Plot 171 housetype changed from a Belmont (4 bed) to a Buttermere (3 bed);
  - Plot 188 housetype changed from a Belmont (4 bed) to a Buttermere (3 bed);
  - Plots 180-183 moved northwards and Plots 184-187 moved southwards to adapt layout to revised drainage strategy;
  - Two visitor parking bays added in front of Plot 185;
  - Off-site native buffer from landscape masterplan added to layout;
  - 900mm stone wall added to rear of Plots 62-66, 69, 91 and 107 as part of flood routing strategy – elevation added to Boundary Treatments Plan;
  - Trees removed to rear of Plots 62-66, 69 in line with Tree Officer recommendation.
- 5.9 The supporting letter explains how an amended Landscape Masterplan has been provided in response to consultee comments, particularly the Landscape officer, Biodiversity officer, Tree officer and Crime Prevention officer. In addition, an amended Flood Risk Assessment and Drainage Strategy has been revised in response to the site investigation works, as well as comments made by the Lead Local Flood Authority and members of the public.

- 5.10 As outlined in paragraph 1.5 the planning application was deferred to address a number of matters raised at the planning committee meeting. As a result, the applicant submitted additional plans and supporting information on 1<sup>st</sup> November to address these matters. In summary the following amendments were made to the planning application:
- Drainage Plan (Ref: 4902- FRA11) and supporting letter (Ref: 4902/dl/311019) providing details regarding the proposed works to the southern watercourse. The letter explains how Persimmon are offering a financial contribution of £20,000 to fund off site improvement works.
  - A revised layout plan (Ref: CRSK-2018-001N) and affordable layout plan (Ref: CRSK-2019-003) showing the relocation of the proposed affordable housing within the scheme into now 5no. distinct groupings.
  - A revised landscape masterplan (Ref: R-2179-1F) showing additional trees within the off- site western landscape buffer. This landscape buffer would be managed by Resident's Management Company (Ref: CRSK-2019-002) and would be secured by a section 106 agreement. Additional trees have been proposed within the scheme.
  - A revised layout plan (Ref: CRSK-2018-001N) now shows no footpath link to Heather Fold.
  - Supporting letter (Ref: 50774/01/CD/AJk/17951554v2) providing justification in terms of housing mix and density as to why some of the house types do not satisfy the Government's Nationally Described Space Standards.

## **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<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 The application site forms a large part of the allocation for housing in the Local Plan (site allocation ref: HS140).
- 6.3 Relevant policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP4 – Providing infrastructure  
LP5 – Master planning sites  
LP7 – Efficient and effective use of land and buildings  
LP11 – Housing mix and affordable housing  
LP20 – Sustainable travel  
LP21 – Highway safety and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP31 – green infrastructure network  
LP32 – Landscape

LP33 – Trees  
 LP34 – Conserving and enhancing the water environment  
 LP47 – Healthy, active and safe lifestyles  
 LP48 – Community facilities and services  
 LP49 – Educational and health care needs  
 LP50 – Sport and physical activity  
 LP51 – Protection and improvement of local air quality  
 LP52 – Protection and improvement of environmental quality  
 LP53 – Contaminated and unstable land  
 LP63 – New open space

#### 6.4 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy (2016)
- Highways Design Guide Supplementary Planning Document
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- Kirklees Local Plan Submission Document – New Site Options Report – April 2017
- National Planning Policy Framework (2019)
- National Design Guide (2019)
- Planning Practice Guidance
- Technical housing standards – nationally described space standard (March 2015, amended May 2016)

### 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via site notices, a press notice, and letters delivered to addresses abutting the application site. Amended plans and documentation along with the change in description, in response to consultation has resulted in further rounds of publicity, with the end date being 11<sup>th</sup> November 2019. A summary of consultation responses are provided below and the consultation process is in line with the council's adopted Statement of Community Involvement.

7.2 During the first round of public consultation, 447 representations, including a number of resident groups were received, of which full details can be found on the council's website and are summarised below:

#### **Principle/Planning Policy**

- The proposal is contrary to the strategic objectives, with particular reference made to 4.5.1, 4.5.2, 4.5.3, 4.5.4, and 4.5.5, 4.5.6 and 4.5.8, as well as paragraphs and policies of the Local Plan
- There are vacant homes on recently developed sites nearby and the area already has a surplus of 3 and 4 bedroom houses
- This is green belt land and will set a precedent for development on other green belt land.
- Scale of development is inappropriate for a rural village, such as Skelmanthorpe. And would turn it into a an unsustainable 'commuter town' as there are no large employers in the Denby Dale area

- Brownfield sites are available for development (References made to other sites in the district and that there are enough brownfield sites to build over 4700 homes).
- Permanent loss of valuable and productive agricultural land (Post Brexit).
- Skelmanthorpe has already had its share of 31000 houses.
- Questioning of the morality, ethics and transparency of the developer and the local council.
- Local residents have not been allowed to extend their homes yet the council are willing to build on green belt land.

## **Highways**

- Access should be from 2 sides Huddersfield Road and Ponker Lane with an arrangement in the centre of site to prohibit drive throughs or rat runs, tagging on to Bedale is inviting more problems than it is already going to cause.
- Concerns raised about the installation of the proposed speed humps or rumble strips due to potential noise impacts, potential damage to vehicles and would impede emergency vehicles. Alternative suggestions, include, a roundabout to the entrance, speed cameras and zebra crossing.
- The houses do not have enough or suitable parking for the additional number of vehicles resulting in further street parking and congestion. Furthermore the proposed garage sizes only facilitate medium sized vehicles, which are quickly declining being replaced with larger SUV types.
- The Travel Plan incorrectly refers to other locations, schemes and developments not related to the proposal site. It has not been rigorously prepared and reviewed.
- Has other planned residential development been considered, such as the Emley plans
- Negative environmental impact of the increase in the number of vehicles and number of commuters.
- Concerns about the safety of the road network surrounding the development for all users with the main route between Shelley and Scissett already recognised and signed as a high accident route.
- Concerns about the safety of a public footpath which is planned to follow the existing right of way that runs past number 63a Huddersfield Road which is already used as access to a resident's drive. It would be a short cut to the main road and hence, to Shelley High School.
- Beyond Skelmanthorpe, the existing road network is at capacity heading towards Huddersfield, Wakefield and Barnsley, particularly at rush hour and the far reaching effects of this development have not been considered in the Travel Plan.
- Inadequate bus and train services (nearest train station is at Denby Dale)
- There is already inadequate parking for local shops and services (e.g. Coop, library and GP surgery)
- A resident has conducted an independent traffic survey on Cumberworth Road, taken between 8am and 9am: it found that a total of 353 vehicles travelled up and down the road over a 60 minute period
- There will be at least 400 vehicles on the road. The development would attract many daily deliveries. All this could amount to some 1000 vehicle movements daily. This will be in addition to the traffic from developments already nearing completion or recently completed.
- Lack of footpath provision linking the site to local amenities particularly from Cumberworth Road/Ponker Lane to Lower Cumberworth
- The condition of the local road network is extremely poor state of repair and these plans will simply make them worse.

- The street lighting on Cumberworth Road is not sufficient to support an increase in traffic.
- The proposal will impact on the response times to emergencies of the local community fire station that is located on Cumberworth Road.
- The traffic survey data is flawed and inaccurate
- An increase in traffic will have a detrimental effect on local businesses
- Concerns about safety and the environmental and local impact of construction traffic and operations.

### **Flood Risk and Drainage**

- The site has numerous underground streams, culverts and dykes, which run through Cumberworth Road, Bedale Drive, Bedale Avenue, Heather Fold, and Gardeners Walk; through the 'triangle' and onto Elm Street and Dale Dike and eventually to the River Dearne. Properties associated with these streets regularly flood. Any development would have adverse impact on these watercourses and these properties.
- Surface water flooding issues. The site is reported on the government flood risk website as being at high risk of flooding from surface water and residents complain of frequent flooding at times of heavy rainfall. An increase in surface water would have adverse effects of residents of nearby housing, the rest of the village and down into the neighbouring villages such as Scissett and Clayton West. Reference to point 3.11 of the local plan in taking climate change in to account.
- The Flood Risk Assessment is not impartial and highly in favour of this development. It does not take into consideration all of the site's and surrounding areas watercourses. Last summer was the driest for decades so any calculations regarding flooding risks are underestimated.
- There have been over ten incidences of overflow on both Cumberworth Road and Commercial Road, leading to guidance from the Council Building Department (2014) that no large development should be undertaken as the sewers serving these areas would not be able to cope.
- The addition of foundations for 192 new houses will adversely affect natural land drainage. A development of 4 houses near Bedale Close has caused a previously dry cellar of 100 years to repeatedly flood.
- The dyke is already protected in other parts of the village where a weight limit is placed on roads above the dyke. The excavation and building plant will presumably put excessive weight on the dyke.
- Insurance issues for current residents due to the increased flood risk
- Man hole covers are often lifted during heavy rainfall and blocked drains cause highway flooding which can have an adverse impact on highway safety, e.g. Busker Lane.
- The area to the north east of the site, identified by the underground surface water tank, was not specifically explored as part of the assessment, or taken into account.
- Proposed surface water drainage solutions are inadequate
- A suggestion that balancing ponds or similar are installed to accommodate the extra surface water
- Concerns about how the site will connect to the foul sewer in Cumberworth Road as it would require pumping waste uphill which Yorkshire water advise against. In the event of a breakdown there could be foul water flooding.
- The stream that runs from the proposed site will suffer irreversible damage.
- The development will affect the location of watercourses and the ability of the ground to take on water. The foundations of the properties at Bedale Drive and the locality will be affected as the surrounding clay soil needs to

remain well saturated year round in order for the foundations to remain stable.

### **Village Amenities**

- Skelmanthorpe and the surrounding villages do not have any large businesses to provide jobs to new residents.
- The development will bring little or no increased business or jobs to the local area.
- All of the schools are oversubscribed and the proposed financial contribution of £550k will not address this matter.
- Insufficient capacity at local doctors, dentists (particularly NHS) and medical centres. Particularly affecting the elderly and disabled.
- No consideration as to the impacts on the infrastructure, given to the other recent and planned developments in the local area or how this will impact on the immediate and wider area.
- No information has been provided by Persimmon to assess the impact on health services or how they will improve current infrastructure
- Lack of car parking in the centre of Skelmanthorpe to cope with this development.
- Lack of children play areas in the local area for this development.
- Insufficient public transport capacity and service.
- There will be pressure on local refuge services.

### **Landscape, Biodiversity and Trees**

- This is urban sprawl and would mean the destruction of landscape/countryside and permanent loss greenery and open space, particularly for the future generations; thus would fail the sustainability test.
- Proposals will mean catastrophic consequences for our local flora and fauna.
- Loss of scenic open, rural views and views of Emley Moor
- This is a 'green lung,' countryside and green belt land that adds to the character of the local area by keeping settlements separate.
- Loss of quality, productive agricultural land, which will be needed post Brexit. with a growing population, this country cannot afford to build on such land.
- The replacement of natural vegetation with non native, cultivars and hybrid trees and shrubs does not provide an adequate alternative especially considering the density of the building and very limited green space.
- The habitats of local wildlife and protected crested newt population will be destroyed
- I think it's going to be a nice estate and is in a prime location with good views
- The increase in traffic and light pollution, noise etc will have an impact both on human health and local wildlife.
- The building of the access road immediately creates an isolated island of woodland/stream which will affect all the multitude of wildlife that lives there. There is no environmental corridor for wildlife to access surrounding fields
- The great crested newt survey has not taken into account all of the patterns of movement and all relevant areas. Any disturbance of the site would impact on their habitat and water pollution caused by soil, waste, concrete and toxin run off from the development would therefore cause habitat destruction within both the immediate and wider areas.
- Development proposal goes against the strategic objectives of the Local Plan, specifically points 4.5.6 and 4.5.8 0 in terms of protecting and improving green infrastructure and protecting and enhancing the characteristics of the built, natural and historic environment.

### **Health and Quality of Life**

- Increase in antisocial behaviour with the importing of families from outside the area as experienced with recent developments in the area
- Proposal will generate both land and air pollution including, but not exclusively, an increase in carbon dioxide emissions contrary to the Climate Change Act of 2008.
- The new houses would also cause a rise in the energy supplies needed, and fossil fuel resources are rapidly decreasing already, without creating an even higher demand for them.
- Impact on the sense of community and on the quality of life for existing residents
- Traffic impacts will result in noise, dust, odour, light and air pollution which will have an unacceptable impact on residents' health and wellbeing, particularly those that are elderly, the vulnerable and the disabled.
- Open green spaces are proven to be good for mental health and wellbeing and we should be trying to keep.
- Impact on childrens' health and safety.

### **Design and Amenity**

- Proposed houses lack imagination, design and aesthetic quality.
- The development would completely alter the design and appearance of the currently unspoilt rural area between Huddersfield Road and Ponker Farm.
- The 3 bed/4 bed 'executive' houses will be too small for growing families and their needs.
- The proposed 2 ½ storey buildings are not in-keeping with the bungalows found on Cumberworth Road, Bedale Avenue and Huddersfield Road. The proposed houses would dominate the landscape and intrude on the privacy, light and outlook for existing home owners.
- Respect should be given for vernacular tradition of this area should encourage the creation of hedges and dry stone walls as boundary markers on this site.
- Concerns about the volume and density of the development
- New housing should be designed to allow nesting sites for swifts and swallows.
- Persimmon have been criticised for their lack of building quality and warranty support. This has been published both on television and by the press.
- The proposed housing is unaffordable
- No long term commitment or thought has gone into this development with no thought for the existing community or environment.

### **Affordable Housing**

- The siting of affordable housing next to existing properties will affect residential amenity in relation to noise and disturbance. In addition, the privacy and sunlight disturbance to adjacent bungalows being overlooked by these 8 new houses would be significant. It would be more suitable to place them backing onto Huddersfield Rd or the open fields to the west.
- Concerns about a rise in anti-social behaviour.
- The social housing dwellings are bought by housing associations and these associations bring families in from out of the area, whilst local families simply can't afford to buy within their community and have to move out.
- The nature of the development lends itself to a commuting workforce as it is in a low employment area and will not cater for the low paid local workforce that needs affordable accommodation



- Persimmon are involved in the Help to Buy scheme but this is NOT the same as affordable housing. In fact they do not donate anything towards the cost of buying, the government basically cover some of the mortgage initially and the house.
- Questions as to whether the current ratio of affordable housing relative to other new housing that Kirklees has approved to date. Is it in-line with the original government intent?
- The proposed development provides insufficient smaller starter homes or homes for more elderly people.
- Two Planning Applications from last year (2018/92290 and 2018/91199) gave approval for the change of use of two such affordable houses into Hairdressing Salons to add to the 7 Hairdressers and 1 Barbers Shop already operating in the Village. This brings into question what the overall planning strategy for Skelmanthorpe is based on.

### **Other Matters**

- Request that any Section 106 Agreement payment made by the developers to the council is spent on local village projects, especially those which benefit young people, and that clear and transparent records are made available of all expenditure from such payments as a matter of course.
- We have been left out of this process by our local government and feel that there is a lack of understanding and care from both them and persimmons for the people and homes which already exist here.
- Large number of objections demonstrate that the people of Skelmanthorpe do not want this development.
- The application is ill judged and based on old data.
- In the past none of other builders promises have been kept.
- Kirklees' approach to such planning requests is lax and devoid of any resident engagement. This posting was difficult to find, I guess intentionally considering the looming deadline.
- Constant housebuilding ruining communities would be less necessary if local authorities actually followed up properties which have in some cases been left empty for years.
- Kirklees have already taken a public space that was for seating to make a car park. There are no protected green spaces in the village therefore these green spaces surrounding the village are very precious
- The nearby village of Flockton is already being choked by such large developments and it is feared the same will happen here.

7.3 During the second round of public consultation, 161 representations, including a number of resident groups were received, of which full details can be found on the council's website and are summarised below:

### **Principle/Planning Policy**

- Loss of green belt, countryside, valuable agricultural fields (important for food security) and green areas.
- Redevelop brownfield sites first.
- A need for new housing is not proportional to damage to local environment.
- Who is going to buy all these houses?
- The houses currently built in the village are still not sold so why build more.
- This is not a sustainable development. There are not sufficient jobs locally to support this number of people. They will commute to work and use local transport to neighbouring towns and cities, which is very poor and add to already over congested roads and motorways. There is no local large supermarket and people will drive to shops and leisure facilities.

- No consideration has been given to all the other developments going up also in the village.
- No major changes - 1 less house than they submitted before yet still all the same problems.
- This development will have a detrimental impact on the character of Skelmanthorpe and the surrounding villages in the local area. The area in question is currently beautiful countryside, historically farmed fields with both environmental and social importance.

## Highways

- Residents will not want to walk uphill from the village centre, carrying shopping, etc.
- No suitable footpath provision is proposed between Lower Cumberworth Road and Skelmanthorpe.
- A mini roundabout should be proposed at the site entrance to slow traffic and ease congestion.
- The footpath link that would appear to link this site to the adjoining estate of Heather Fold should be removed from the plan as it will be a drop off point by parents going to Shelley High School, also not considered necessary as part of planning application reference 2017/92504. Already a pedestrian/cycle link with Huddersfield Road.
- Unrealistic that people will leave their cars at home.
- Questioning the accuracy and reliability of the Travel Plan's conclusions and findings.
- Not enough parking locally and the current parking causes the roads to be dangerous, particularly for people who have driveways along Cumberworth Road.
- All residents will travel to work in the same direction to and from the M1 and Wakefield Train Station, already queues along the A636 Wakefield Road.
- The local roads are already too narrow and the junctions are unsuitable for this level of development in Skelmanthorpe and surrounding villages.
- The traffic impact have not been properly taken into account properly or accurately.
- Drivers don't already adhere to the speed limit and this proposal will make the situation worse. There is a need for traffic calming measures.
- Roads are already congested and additional traffic will have an impact on highway safety and on the safety of children, the disabled and the elderly.
- Impact on local road network and rat running through smaller estate roads.
- Additional traffic will mean more congestion that will effect the operation of the local fire station.
- There needs to be more than one access point. There should be an entrance to the development onto Huddersfield Rd (I see land is available) both for access to buses and to take traffic off Cumberworth Rd and particularly the junction with Commercial Rd.
- Traffic surveys are not comprehensive, inaccurate and been carried out at the quietest periods.
- There must be an independent assessment of the road infrastructure for the whole area taking in all the proposed development sites in the Local plan, and an improved infrastructure plan put in place before any are permitted. Costs must be borne by the proposed developers.
- Increase in traffic congestion and pollution.
- Why weren't there any traffic measurements taken on Station Road?
- Infrequent and unreliable bus service.

- With regard to construction traffic a construction environmental management plan should be produced to be scrutinised before any council decision is made.

### **Flood Risk and Drainage**

- We already have so many issues with the water system and pipes bursting we do not need more houses to add to that pressure.
- Inadequate size stormwater storage facility for unpredictable weather associated with climate change and potential implication due to 'overtopping' need to be taken into consideration.
- The site is "infilled" and floods during periods of heavy rain and this in turn then flows down hill in the stream at the bottom of our garden putting properties on Bedale Ave/Drive as well as Cumberworth Road and Huddersfield Road at risk of flooding and then onwards to the village and eventually down to Park gate which has a history of flooding. This issue will be made worse by surfaces associated with a residential estate.
- Concern regarding the use of the existing culverts for surface water drainage that currently flood.
- Recent flooding events prove that this field should not be developed.
- There must also be an independent review of flooding and drainage for the whole area and understanding of the impact of covering so much more of our green fields.
- A drainage culvert runs through Heather Fold and the play area was created to prevent building over it. It does potentially pose a risk to some of the properties if increased surface water is created by the development.
- Flood risk and drainage impacts and surface water issue on local roads after heavy rainfall.
- Questions in relation to the proposed revised flood risk and drainage strategy.
- Concern that building will take place in a flood prone area to the south of the site where an existing culvert that floods regularly.
- There is insufficient infrastructure and there are already drainage and sewerage issues in the immediate locality.
- Technical Review of Flood Risk Assessment submitted in objection of a planning application for the erection of 192 dwellings on Land to the North of Cumberworth Road, Skelmanthorpe, Huddersfield (KRS Environmental for Cumberworth Road Action Group)

### **Village Amenities**

- Implications on local schools, dentists, doctors, shops and leisure facilities.
- Power outages occur in this area
- Lack of village amenities, such as cash points, post office or a petrol station.
- The scheme does not consider the cumulative impact on local infrastructure caused by recent developments.

### **Landscape, Biodiversity and Trees**

- Loss of an open green space and rural views, which are proven to be beneficial for mental health and wellbeing.
- Proposed hedgerow planting between the POS and the affordable housing will collect litter, be difficult to maintain and will encourage people to congregate on this triangular piece of land.
- Concerns about noise, smell and vermin in relation to the proposed bin stores to the front of the properties and the impact it will have on quality of life.

- Unacceptable impact on habitats for wildlife, including sparrows, swifts and owls.
- Unacceptable loss of trees and field hedgerows, particularly the loss of the hedgerow between the site and Bedale Drive. Disagreement with tree officer comments regarding the loss of the Hawthorne hedgerow.

### **Health and Quality of Life**

- It will effect local community spirit and quality of life.
- Noise pollution, dust, dirt and disruption associated with the development, particularly during its construction.

### **Design and Amenity**

- The design of the houses leaves much to be desired both aesthetically and practically.
- The proposed housing mix does not address the local housing needs.
- I am disappointed that the construction of the properties is not in keeping with the local area, using brick rather than stone.
- The layout and density of the proposal is not inkeeping with the surrounding area.
- Do we really need another bleak, poorly built, characterless, architecturally deficient housing estate like this? What does this say about the aspirations of Kirklees as a residential area?
- Increasing housing densities should not result in an adverse impact on existing residential amenities. Habitable rooms and gardens will suffer from the lack of privacy, daylight and views of the countryside.
- Concern about the impact on residential amenity due to the proposed relationship between the proposed houses and the properties found along Huddersfield Road (particularly nos. 69, 71, 73) – proposed plans do not accurately show a ground floor extension with an habitable room window found for No.69.
- Ill conceived totally unnecessary money grabbing scheme from the start by reportedly very poor builder.
- They have even had the cheek to add another 4 houses into the plan yet still doesn't reach the local plan density of 35 per hectare

### **Affordable Housing**

- Hopefully there is provision for some form of affordable housing within this development (whatever affordable means).
- Affordable housing will bring the same issues as they have done with the 'Paddocks' development.
- The proposal does not provide any affordable housing for first time buyers on average wages.
- Affordable housing should be relocated within the estate and not sited adjacent to Bedale Drive.
- Concerns in relation to the density and location of the proposed affordable housing adjacent to existing dwellings.
- With reference to Drg. No.90151 between plot 107 & 108 the locked gate & 900mm high fence should be 1800mm high to ensure school children do not make a short cut to & from Shelley High School through resident's private roads.

### **Other Matters**

- Consultation over the summer holidays is a cynical attempt to get it through whilst people are away on holiday.
- Consultant reports are not reliable, accurate and are mainly tokenistic
- All houses in the area, particularly at Bedale Drive rely on a high water table and the natural watercourses, this development will effect these features, which will effect the foundations of these properties, which is already an issue in terms of cracks and subsidence.
- Increase in CO2 emissions that have not been appropriately offset.
- They have reduced the plan by one house to avoid providing any play areas.
- Insufficient s106 monies or investment in the local infrastructure is proposed.
- Lack of transparency as to how the s106 monies will be spent.
- How much does the council make out of this and stinks of corruption.
- Little police presence
- The area is designated for mineral extraction and has been inappropriately disregarded by the applicant's consultant.
- The scheme should not go ahead due to an unprecedented level of objection.

7.4 A third round of public consultation was undertaken due to the receipt of amended plans and additional information. Given the nature of the amendments, the consultation period was for 14 days and ended on 17/10/2019. During the third round of public consultation, 142 representations were received and full details of these can be found on the council's website. Comments were also provided by the Upper Dearne Valley Environmental Trust, IOP Consulting, and KRS Environmental (both instructed by Cumberworth Road Action Group).

7.5 A number of matters have been raised by members of the public that have already been considered within the planning committee report, such as the principle of development, planning policy, highways, village amenities and infrastructure, landscape, biodiversity, trees, health and quality of life, impact on structural foundations, air quality, climate change, design, amenity and affordable housing. In addition, it is considered that the comments raised by IOP Consulting, particularly with regards to sustainability have also been considered within the planning committee report.

7.6 The purpose of the 14-day public consultation exercise was to seek comments on the amendments to the proposed design changes to the address flood risk and drainage, as well as residential amenity issues. These amendments were made in response to concerns previously raised by officers and members of the public during the consultation of the 191-dwelling scheme.

### **Flood Risk and Drainage**

7.7 A central concern raised during the public consultation exercise was in relation to the proposed drainage proposals and the impact this would have on flood risk and the drainage of the wider area. Particular concern was raised regarding use of the southern watercourse that runs through the site (underground) and between the gardens of properties associated with Bedale Drive and Cumberworth Road. The following points are a summary of the main issues raised, mainly from residents, from the re-consultation exercise:

- The applicant will not have the authority from the concerned landowner to carry out the necessary works to the existing watercourse to the southern end of the site, required by the LLFA and Yorkshire Water.
- The southern culvert at Bedale is for drainage purposes and already floods, particularly after prolonged spells of rain as it is narrow and shallow.
- The developer would take no responsibility for this, with the burden of recovery being placed solely on existing residents.
- Impact on the ancient culverts further in the village, after Gardeners Walk, which are in a poor condition, and need significant upgrading otherwise flooding to a greater degree is inevitable.
- No one has made contact with the concerned residents regarding the proposed extra water flow and residents will not accept any responsibility for extra water put into the watercourse by any party.
- The existing watercourse needs urgent attention and requires the LLFA to inspect the open culvert thoroughly, especially when it goes under the houses and becomes a closed culvert. The culvert cannot cope with any proposed additional flows.
- Photographic and video evidence has been showing flooding of the site, gardens and of the roads within the locality.
- Issues of foul water capacity and raw sewerage flooding, particularly on Lidget Lane.
- No confidence that the 225mm sewer in Huddersfield Road will be able to cope with the foul water from development.
- The water currently flows freely through the stream but increased flow will cause flooding when it reaches the underground culvert on Bedale Ave. The proposed site land was drained in the early 1970s, the gully in the field was filled with brickbats etc, and a plastic land drain pipe was laid, but unfortunately it was laid on top of the porous brickbats causing the water to emerge under the header pipe.
- Surely more up to date geophysical mapping would be appropriate to locate any hidden culverts on the land.
- The FRA also states that the head of the watercourse is silted up and should be cleared. This is not the case as there is no silt whatsoever. The problem is that the developer is intending to connect to the watercourse below its invert level thereby causing the problem. The developer is basically requiring the owners of the watercourse to excavate it to a level that suits their plans. In summary I will not accept any increase of flow from the present situation and I will not accept surface water from the development onto my property. Any attempt to do so will be met with legal action.
- The developers intend to prevent the area adjacent to the southern end of site from ponding by draining it directly into the open watercourse behind through a 300 mm pipe without attenuation. The existing situation is far better than this proposal.
- The land is a natural soakaway for rain water and this passes slowly to other outlets and naturally pools in the dip. If this area is hard landscaped that water will be increased in volume and have adverse effects on residents further downstream.
- The proposal will worsen ground water flooding and the existing issues of basement flooding of the surrounding properties.
- Houses on Westfield Drive already suffer from poor water pressure, which this proposal will further exacerbate.
- Pressure on water supply and on capacity of existing local main/sewer/water drainage and sewerage facilities.
- No account is taken of recent pluvial flooding within the site boundary.

- Flood risk and drainage issues relating to Cumberworth Road, Huddersfield Road, Lidget Lane, Park Gate and the wider Dearne valley catchment area. Local experts believe that flooding would likely be more frequent and more extensive.
- Much of Skelmanthorpe is built on clay so the water has nowhere else to go and can't drain away naturally.
- Adverse impact on downstream flooding at Station Road, Elm Street, Dale Street and Saville Road.
- Questions raised in relation to the reliability of the proposed flood routing.
- The proposed development is at one of the highest points in the village and would be built on a field that has historical flooding issues.
- Can the sewage treatment works cope with extra volume that has been added within the last 10 years especially with the large developments both in Skelmanthorpe and neighbouring Scissett and Clayton West?
- The Flood Risk Assessment is inadequate, lacks the necessary scope, and has a number of grammatical errors and inconsistencies, which reduce the overall confidence in the technical work underpinning the findings.
- A Technical Review of Flood Risk Assessment submitted in objection of a planning application for the erection of 192 dwellings on Land to the North of Cumberworth Road, Skelmanthorpe, Huddersfield – raised 31 points of objection. This site should not be in flood zone 1; several photos of standing water on the site.
- An increase in flow will mean the erosion of gardens on Bedale Drive, Bedale Avenue, Bedale Close and Cumberworth Road.
- It clearly states in SUDS any new development cannot exacerbate the existing problem it must improve it.
- In relation to climate change, has the applicant's drainage proposals taken into account the potential future increase in rainfall?
- Yorkshire water have outlined which SUDS would be most suitable to use, however, in the report table it says that none of those methods are appropriate.
- Following the guidelines on sustainability set by the government, no development can make the drainage any worse. It has to improve it and this would directly go against public guidelines.
- Proposal to renew the culvert in the southern end of site to stop the ponding to the west is against the LLFA advice to allow rainfall to collect on fields and drain away naturally to reduce the risk of flooding downstream. The water from this area attenuates through the stone and brick medium that is below the site and releases it into the watercourse at (for the most part) a controlled rate. Allowing the water to pass straight through the site even with a 300mm restriction at the head of the culvert coupled with 6.3l/s of surface water from the site and the inevitable exceedance flow from the box culvert will greatly increase the flow and result in erosion of the watercourse and blocking of the culvert lower down the village from the resultant debris.
- The size and layout of the northern portion of the flood storage provision remains the same as in previous versions of the report despite a lower discharge rate suggesting there will be inadequate capacity.
- The advice from Yorkshire Water (YW), selectively quoted in the main report text to indicate a more positive position (including suggesting a discharge route is agreed rather than "to be agreed" as per YW response), is out of date (letter in Appendix C states the YW advice is only valid for 12 months maximum).

- Recent site investigation to positively identify the culvert, which previous iterations of the report suggested didn't exist, indicate a section was removed but not reinstated. This may increase the current flood risk.
- An analysis of the drainage strategy has been provided which claims that the underground surface water storage tank in the northern section has been sized incorrectly.
- An analysis of the drainage strategy has been provided which claims that the southern drainage area is fraught with problems and that the sizing of the surface water storage area is incorrect.
- Regarding the main attenuation tank proposed on the northeastern side of the site, the overflow from this tank is still being directed overland, un piped and unconnected to any watercourse or culvert. This flow will flood newly consented residential properties on the hillside below and those beyond.
- All development proposals in Skelmanthorpe should be refused until a robust, comprehensive and reliable Area Drainage Assessment has been undertaken throughout Skelmanthorpe by the LLFA and YW and a capital investment programme agreed with the relevant authorities.
- The proposed pipework and surface water attenuation tanks will not be adopted.

### **Residential Amenity**

- 7.8 The following points are a summary of the main issues raised in relation to residential amenity, mainly from residents, from the re-consultation exercise:
- Extremely disruptive during building works.
  - Potentially have an effect on sunlight.
  - Effect on privacy and will mean existing properties' habitable rooms are overlooked.
  - Proposed two storey house will have an adverse impact on the residential amenity of the bungalow properties of Bedale Drive.
  - Impact on extensive country views
  - The proposed landscaping and garages will impact on natural light for properties on Huddersfield Road, particularly ground floor habitable room windows. The proposed plans do not show an existing property's conservatory that will be adversely affected.
- 7.9 The planning application was taken to strategic planning committee on 24<sup>th</sup> October and was deferred by members for the reasons outlined in the introduction section of this report. The applicant has submitted additional plans and information in response to the reasons for deferral and as such a fourth round of public consultation was undertaken. Given the nature of the amendments, the consultation period was for 7 days and ended on 11/11/2019.
- 7.10 At the time of writing this report, 89 representations. Comments were also received from the Upper Dearne Valley Environmental Trust and Cumberworth Action Group. Full details of these comments can be found on the council's website.
- 7.11 A number of matters have been raised by members of the public that have already been considered within the planning committee report, such as the principle of development, planning policy, sustainability, highways, village amenities and infrastructure, landscape, biodiversity, trees, health and quality of life, impact on structural foundations, air quality, climate change, design, amenity and affordable housing.



7.12 The purpose of the 7-day public consultation exercise was to seek comments on the specific amendments to the design proposals to address the reasons for deferral. The following is a summary of the comments received in relation these specific amendments:

- Concern about officer's reliance on the applicant's drainage consultant's comments in response to previous public representations and a number of further detailed comments raised about the proposed drainage strategy.
- How convenient for the developer to provide the comment of 'efficient use of land and building types' as an answer to satisfy the NDSS enquiry.
- Insufficient time for public consultation; clear obstruction from planning department.
- There is no information about education comments online for me to comment on the 'allocation of education contribution'.
- Impact to the fire service located on Cumberworth road - Both for the firefighters getting to the station and responding to callouts.
- No safe route for pedestrians to St Aidens Academy from the site
- Why is there only funding provided for two schools?
- It is not clear whether the financial contribution for education is for capital expenditure on additional buildings or to fund additional teaching staff?
- No mention of changes to distribution of monies to local schools ,especially St Aidans (as our council don't appear to know it is in the proposed site catchment area)
- At the moment if there is a blockage the field floods and no one is affected
- If the developers build and the site floods it is now my responsibility?
- There are access and private land ownership issues to undertake off-site work
- The planned works to the culvert will adversely affect wildlife.
- The future responsibility of the stream maintenance would affect property prices
- Increases the flow of water into the southern culvert, thereby making the situation worse. This is contrary to the landowners responsibilities to their neighbours.
- What investigation works have been undertaken to assess the effects of discharging more water into the culvert downstream as this is a surface water food zone?
- On one page of the FRA it denies the flooding takes place and on another it says what the developers will do to combat the predicted flooding. It's also passing the buck to residents to de-silt the stream on their land.
- There are several springs which appears during times of flooding, suggesting underground channels. Where would these natural channels be diverted to and would they end up under our properties
- Even with work to the open part of the stream will not increase the amount of water the enclosed culvert will be able to take.
- £20,000 is insufficient for the necessary off site works and there are no calculations to show how this sum has been arrived at, is this accurate?
- The commuted sum arrangement would put an unnecessary burden on residents to decide upon and oversee improvement works which we reject.
- The drainage plan incorrectly depicts the current route of the southern watercourse through the gardens, leading us to question the validity and suitability of the proposals.
- The inconvenience caused to residents whilst the remedial work is undertaken and the possibility of damage to property and gardens during the works.

- The assumption that the burden of maintaining the offsite section once remedial works are completed will fall on residents.
- We would question the developers intentions around ongoing maintenance of the onsite section once the development is completed. How would this be enforced and what recourse would residents have if this stipulation wasn't adhered to?
- Site investigation work has only been carried out during periods of dry weather and not during periods of recent heavy rainfall.
- According to 8.4 flooding from overland water "the stream conveys limited flow" and "poor flow due to siltation" The stream has flowed freely with no problems ,surely diverting water from a site of this size will increase the risk of flooding not on site but what about the rest of the village?
- We have recently had flooding in the field and sewage flowing down the road below the site. This site will make this worse, if not, unmanageable.
- The revised proposals will inappropriately mean that more water from the development will be sent via the culvert.

7.13 Although fewer representations have been received after each round of consultation, it is not assumed that those residents who previously objected no longer have concerns.

Upper Dearne Valley Environmental Trust Summary – 1<sup>st</sup> round consultation (25<sup>th</sup> March 2019)

- Condition for development on the northern site as part of the UDP was for new sewers and roads, which has still not been met.
- Totally opposed to the extension of this original site by the addition of greenbelt.
- Welcome some affordable houses to buy and rent, but Skelmanthorpe is an unsustainable location for such a large development.
- The detrimental effects of this development far outweigh any benefits to Skelmanthorpe and its wider area.
- Brownfield developments in Skelmanthorpe should be developed before greenfield/green belt sites in accordance with Kirklees own strategy.
- In line with the Kirklees Strategy, his development should be deferred until brownfield sites has been developed and real housing need in this area re-assessed.
- Without the necessary infrastructure, the Local Plan places an unsustainable level of housing development i.e. 1200 dwellings, in a 2.5 miles stretch of the Dearne Valley.
- A comprehensive and reliable Total Impact Assessment of all development planned in the Dearne Valley needs to be undertaken by the Council.
- Supporting Reports accompanying planning applications (and charge to applicants) rather than sub-contract them back to applicants, they can never be perceived as objective, valid and reliable by Planners, Councillors and communities.
- The independence, reliability and validity of supporting information are seriously questioned. Supporting Reports accompanying planning applications should be commissioned by the Council to resolve these matters.
- The Section 106 monies offered are totally inadequate and will do little to improve education in the area.
- We would like to know how Section 106 monies will be awarded given that schools in Skelmanthorpe and Scissett are now out of Local Authority control?

- Why is the Council not insisting the developer pays at Community Infrastructure Levy (CIL) rates which are likely to raise more money.
- Schools are already operating at over-capacity
- Health Centre cannot turn anyone away and has a high number of complaints due to waiting times. The Council have a duty to liaise with and keep local health providers up to date on developments which will impinge on health service delivery.
- Inaccuracies in the Design and Access Statement and information disputed.
- Drainage and flood risk – capacity of the network to accommodate the developments requirement. Inadequate site investigation works.
- Transport Assessment. A number of questions and observations raised in relation to the Transport Assessment, Travel Plan as well as the TRICS/picady data observations and Trip Generation Future Traffic Growth.
- This entire report needs to be redone using primary data from Skelmanthorpe, a revised and credible Transport Assessment and factoring in future, planned developments to more accurately predict true levels of air pollution as at 2024.
- Great Crested Newt Survey - Newts and other amphibians also exist in the open watercourse that runs to the rear of properties on Bedale Avenue. This watercourse was omitted from this survey.

Upper Dearne Valley Environmental Trust Summary – 2<sup>nd</sup> round consultation (14<sup>th</sup> August 2019)

- Nothing has fundamentally changed and our initial statements, observations and objections still hold true.
- Unsustainably large development in Skelmanthorpe and that the Local Plan as a whole places an unsustainable burden on the entire Dearne Valley – as was outlined by numerous Groups at the Local Plan Hearings.
- The proposed development fails to meet both Local Plan Policies and NPPF criteria on many grounds. It is the view of that the Planning Authority is failing to ‘focus significant development in locations which are or can be made sustainable’. Major drainage and highways infrastructure development is needed around Skelmanthorpe and within the Dearne Valley as a whole to make the level of development planned sustainable. We note from the Council Budget, just recently agreed, that no major infrastructure projects are planned for Kirklees Rural, let alone the Dearne Valley. Surely a route to future disasters. Investment by the Utility Companies is dependent on their own budget priorities.
- With the reduction of 1 property in this proposal 106 monies have reduced further, compounding the inadequacy of the 106 payments proposed. Our detailed questions (detailed in our initial response) regarding the mechanisms for ensuring 106 monies get to local schools remain unanswered
- Challenges to Supporting Information, pointing out omissions and bias in order to offer Planners a more balanced and community informed view of what has been presented. Further details have been added regarding: School Provision, Health Provision, Design and Access Statement, Drainage and Flood Risk, Transport Assessment, Travel Plan, Statement of Community Involvement.
- We would also like to thank representatives from the LLFA and Yorkshire Water who took time to meet representatives from both and the Cumberworth Road Action Group (CRAG) on 28 May, 2019 on site. Sadly, the Planning Department was unrepresented.

- Additional consultation comments were also received in response to a new, late submission of a transport technical supporting report from the developer. A number of detailed points were raised, they, in summary included:
  - Omission of detailed modelling results data sheets.
  - Failure to consider Application 2018/91787 – Greenside Mills, Savile Road, Skelmanthorpe where there is outline planning approval for 55 houses.
  - Modelling and data selection, as detailed in previous responses, contain serious flaws which in effect reduce the expected rate of traffic flow.
  - Questions raised in relation to the proposed impacts for a number of key junctions and roads in the local area and why some are not included.
- Without the full, clear and accurate picture presented, this report is unfinished, its conclusions inaccurate and unacceptable.

Upper Dearne Valley Environmental Trust Summary – 3<sup>rd</sup> round consultation (September 2019)

- We wish to lodge the STRONGEST POSSIBLE OBJECTION to these revised drainage plans. Indeed, little has changed and what has been changed at the Southern end of the site is a retrograde proposal which will compromise the health and safety of existing residents of Skelmanthorpe not only in the geographical area immediately downstream of this site, but the wider community adjoining the watercourse (i.e. Elm Street, Dale Street, Greenside/Savile Road). We believe the developer is simply pushing a drainage problem further 'downline' to the detriment of existing properties and their residents. Statutory Bodies responsible for the health and safety of the community should not be allowing this to happen.
- Fully supports all the comments, recommendations and objections clearly outlined within the latest Technical Review of the FRA carried out by dated October, 2019 and submitted to KMC as part of the consultation process by the . We agree there appears to be a lack of technical investigation and general thoroughness.
- We once again call for this and all other development proposals in Skelmanthorpe to be refused until a robust, comprehensive and reliable Area Drainage Assessment has been undertaken throughout Skelmanthorpe by the LLFA and YW and a capital investment programme agreed with the relevant authorities.
- All our previous objections to this development proposal remain UNCHANGED. This is an utterly unsustainable development proposal in all respects and should be REFUSED PLANNING PERMISSION. The critical infrastructure requirements identified in the 1999 UDP for the even smaller site i.e. new sewerage system and roads in/around Skelmanthorpe, have not been delivered and still apply. Had the Council undertaken a truly robust, competent, comprehensive, thorough and realistic Sustainability Analysis (SA) as part of the Local Plan process, this site would never have been included in the LP. The KMC SA was much criticised at the Local Plan Hearings by community groups, environmental groups and independent planning professionals alike.
- Specific comments provided with regard to drainage and the SOUTHERN END of the site drainage 'solution'.

Upper Dearne Valley Environmental Trust Summary – 3<sup>rd</sup> round consultation (October 2019)

- We wish to reiterate our STRONGEST POSSIBLE OBJECTION to the revised drainage plans and this proposal as a whole. Indeed, little has changed and what has been changed at the Southern end of the site is a retrograde proposal which will compromise the health and safety of existing residents of Skelmanthorpe not only in the geographical area immediately downstream of this site, but the wider community adjoining the watercourse (i.e. Elm Street, Dale Street, Greenside/Savile Road). We reiterate that the developer is simply pushing a drainage problem further 'downline' to the detriment of existing properties and their residents. The Council and Statutory Bodies responsible for the health and safety of the community should not be allowing this to happen.
- We also understand that to increase the volume and velocity of water entering private land from that existing at present may well be challenged legally.
- The condition and capacity of the watercourse/culvert downhill beyond Gardner's Walk has not been assessed and the LLFA cannot guarantee that flooding will not occur around the bottom of Cumberworth Road, Elm Street, Dale Street and beyond where this watercourse continues underground. We are aware that the area around the bottom of Dale Street has recently been affected by flooding caused by culvert over-capacity and lifted manhole covers.
- We also have serious concerns in that it now appears that the foul drainage from all proposed 190 dwellings will feed directly into the 225mm sewer in Huddersfield Road. There are already known and documented problems with the sewers at the junction of Cumberworth Road/Commercial Road/Huddersfield Road. Written guarantees are needed from YW that sewers feeding into the main sewer downline in Huddersfield Road and along Commercial Road will not suffer from 'back flow'. YW have consistently failed to define the exact capacity of their system and how it will be safeguarded by future capital investment. It also appears to us that there is a communications failure within YW.
- Fully supports all the comments, recommendations and objections clearly outlined within the latest Technical Review of the FRA carried out by KRS Environmental dated October, 2019 and submitted to KMC as part of the consultation process by the Cumberworth Road Action Group (CRAG). We agree there appears to be a lack of technical investigation and general thoroughness. 31 grounds for objection have been identified by these professional, expert drainage consultants. We add further evidence of this lack of investigation and thoroughness in comments below.
- We once again call for this and all other development proposals in Skelmanthorpe to be refused until a robust, comprehensive and reliable Area Drainage Assessment has been undertaken throughout Skelmanthorpe by the LLFA and YW and a capital investment programme agreed with the relevant authorities.
- We also support the legal opinion submitted by IOP Planning Consultants that a development of this scale on the edge of Skelmanthorpe is unsustainable as the village does not have the infra-structure to support it. Suggested S106 payments will have little or no impact on addressing the service and infrastructure issues present in Skelmanthorpe and the Dearne Valley which simply cannot cope with this level of development. The Council should note that the area is now about to struggle with 198 new homes currently being built at Scissett.

- The above legal opinion also records that this application does not accord with the LP or National Policy. It contravenes LP1, LP3, LP21, LP24, LP28 and LP32. It contravenes NPPF paragraphs 7, 8, 47, 103, 108, 109, 110, 117, 127, 163. Because the application is not sustainable, it contravenes the NPPF as a whole. The adverse impacts of this proposal would significantly and demonstrably outweigh any benefits.
- We would also draw the Council's attention to Paragraph 5.4 of the IOP Consultants legal report. Just because a site is allocated for housing within a LP, 'this does NOT establish the principle of development on the site as suggested by the Council's Planning Policy Consultation response. The principle of development is not established until a planning permission is granted or a permission in principle is given. The site has neither. Therefore, whether this site is suitable for the proposed development has not yet been established. Site specific issues exist which we consider show that the site is not suitable for the proposed use.' All our previous objections to this development proposal remain UNCHANGED. This is an utterly unsustainable development proposal in all respects and should be REFUSED PLANNING PERMISSION. The critical infrastructure requirements identified in the 1999 UDP for the even smaller site i.e. new sewerage system and roads in/around Skelmanthorpe, have not been delivered and still apply. Had the Council undertaken a truly robust, competent, comprehensive, thorough and realistic Sustainability Analysis (SA) as part of the Local Plan process, this site would never have been included in the LP. The KMC SA was much criticised at the Local Plan Hearings by community groups, environmental groups and independent planning professionals alike.
- We would also like to say we have serious reservations about the quality of reports and unsatisfactory responses submitted to Councillors serving on the Strategic Planning Committee in relation to this application. We understand examples of these concerns/issues have been sent to SPC Councillors by the Cumberworth Road Action Group (CRAG) and we will not repeat them here, but we fully support Councillors being made properly, comprehensively and accurately aware of all matters.
- Given the existence of additional professional, expert reports highly critical of drainage proposals, our own evidence of Supporting Reports being manipulated and rendered inaccurate and invalid, plus the legal opinion quoted above, the ONLY SAFE DECISION THE COUNCIL CAN MAKE IS TO REFUSE THIS APPLICATION.
- Specific comments made in relation to drainage: planning officer's report to strategic planning committee members.

Denby Dale Council: (For the 191 dwellings scheme) The Council strongly expressed unanimous objections to this development on the grounds of:

1. The unsustainable scale of the development and the impact on the infrastructure of the village.
2. The layout and density of the proposal is not in-keeping with the surrounding area.
3. Increased traffic generation onto very busy roads and an already problematic junction at the triangle, where school children walk to both Shelley College and Scissett Middle School.
4. Impact on an already overloaded drainage system and potential for flooding.

Update: These issues have been emphasised by the incidence of large amounts of rain/flood water run -off recently which will be exacerbated by this development.

Councillor Turner: (For the 191 dwellings scheme) I would like to ask that the foot path that would appear to link this site to the adjoining estate of heather fold be removed from the plan. the flood assessment is inadequate, the issue of the surface water drainage has not been addressed sufficiently, as well as the sewage disposal also the highways issues have not been fully addressed, with no planned improvements to the junction with Huddersfield / commercial road traffic will back up along Cumberworth road at rush hour and other busy times.

For the 190 dwellings scheme: This application varies little from the previous application, and still fails to address fully the issues of highways and the flood risk and drainage. The path that leads to heather fold is still in the plan, which is a path to nowhere, and should be removed from the submitted application.

Councillor Simpson: (For the 191 dwellings scheme) The new site entrance, layout changes and visitor parking revisions are welcome. However, I am afraid that the most fundamental issue which myself and Graham previously objected to - and raised in the meeting with the developers and officers - remains unaddressed. I was, and I remain, highly concerned about drainage and flooding. This has been one of the key concerns raised by the many objecting residents. The recent heavy rain has, I am afraid, vindicated these concerns; and the Flood Authority's 22 April 2019 recommendation to refuse. Whilst the attenuation tank may store some of the surface water drainage for a period, the safe and effective release of stored water as well as the run-off of surface water remain issues. The developers acknowledged the issue of water releasing into the culvert and agreed that this would be amended and addressed. Unfortunately the revisions – which have moved the attenuation tank release point – still release into the culvert, which was previously acknowledged to be unsuitable. Hereby, the revision has failed to address this key issue by its own standards. The questionable capacity of the existing drainage systems and effect of flooding at Parkgate, which is a high flood risk area, also remain concerns. There are additional developments on Station Road for which the cumulative effects, on the issue of Parkgate, should be considered. In summary, I have outstanding concerns with the revised plan which are fundamental to the suitability of the application and I believe that the material considerations raised (particularly relating to Local Plan policies LP27, LP28) mean that this application must be rejected.

For the 190 dwelling scheme: I remain concerned about the issues that I have raised in my preceding two objections. Since the beginning of this process there have been minor changes, but this application remains fundamentally unchanged – as do my objections. Most fundamentally, I remain highly concerned about the drainage and flooding issues that will occur during construction, on-site, in the proximity of the site, and on the wider drainage network. Hereby I believe the application fails to meet Policy LP27. Policy LP27 states that the proposal must not increase flood risk elsewhere and where possible should reduce flood risk and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). In and of themselves, I am unconvinced that the drainage solutions are adequate and I do not believe there is adequate knowledge of the network off-site for us to be assured that the flooding and drainage risks will be safe over any timescale. Hereby, I do not believe that this application can be considered sustainable development and I believe it must be rejected.

Paula Sherriff MP: (For the 192 dwellings scheme) This proposed development, in its size, infrastructure requirements and the effect it will have on Skelmanthorpe and the surrounding villages, is completely inappropriate and should be rejected. The additional 192 homes and associated traffic movements will have a significant, negative impact on the immediate area of Skelmanthorpe, its local amenities and the surrounding villages. Traffic in the village at peak times is significant. Much congestion centres on the Cumberworth Road junction, joining Huddersfield Road/Commercial Road, the central road within the village. This will be the key access to the Cumberworth Road development. A further 400 vehicles would have a substantial, damaging impact on the village and traffic movements. Located on Cumberworth Road, a short distance from the Huddersfield Road junction, is Skelmanthorpe Community Fire Station. Access to this could be compromised at peak times by high volumes of traffic, on Cumberworth Road directly the Huddersfield Road junction, and throughout the village. Alternate access to Cumberworth Road is achieved via Shelley Woodhouse Lane/Ponker Lane. There are existing issues with Shelley Woodhouse Lane, with dangerous pedestrian movements on the high speed road, which contains a blind corner on a hill brow, no pavement and a muddled road edge. This forces pedestrians onto the highway in poor weather. The majority of these movements are made by children attending Shelley College. Increased traffic movements without significant infrastructure improvements necessary, in this regard, would be a danger to pedestrians. This must be taken into consideration. Residents are also concerned about the effect that increase traffic could have upon the village's side roads which are already used to avoid notable traffic on Commercial/Huddersfield Road. Existing road safety issues would be further exacerbated; this is of particular concern around St Aiden's Church of England Academy. With regard to local education provision, Scissett and Kirkburton Middle schools are currently, both individually and collectively, over their Pupil Admission Numbers (PAN). Without a significant investment in each of their facilities, and/or an unacceptable increase in class sizes, it is unclear how the places necessary within the system would be guaranteed. I am also concerned about the pressure that would be placed upon the local sewerage and drainage systems. It is not clear that there is capacity within the existing drainage systems and that there may be flood risks which are not addressed by the application. Residents have highlighted their concerns that a previous application (ref:2013/60/93610/E), for only two properties in close proximity to Cumberworth Road, raised a number of issues regarding drainage – and here have been a number of issues in the village regarding the sewerage system. These must be looked into with the serious consideration which they merit. At a well attended public meeting in Skelmanthorpe, opposed to the development. I was struck by the contribution of one resident in particular. David, who has to drive into the village centre and find a place to park his vehicle. Parking, both in the village and on-street in residential areas, is a significant challenge in the village. This would be significantly exacerbated by the additional dwellings and associated traffic movements, both within the village and on the site – on which there are fewer than two parking spaces per property. Residents have also raised serious concerns regarding the capacity of local healthcare services. Surrounding hospitals being downgraded and the local GP surgeries are already under enormous pressure. Patients at the newly built, 86 bed, Scissett Mount care home have yet to be allocated a general practitioner – these will likely be split between the Scissett and Skelmanthorpe practices. With the significant ongoing Redrow development on Pilling Lane, the cumulative increase on public services, roads and amenities will be substantial. Finally, I am concerned about the broader effect that this development will have on the village. Recent new build



developments have largely been unaffordable to local residents and their families. This has resulted in the continued lack of truly affordable properties for locals aspiring to own their own home, and a change in the communities which has left many residents feeling their unique village identities are being eroded. The National Planning Policy Framework and the Kirklees Local Plan discuss the importance of maintaining the greenspaces and distinct character of our local villages. I believe this is vital, in the pursuit of this, this application is rejected.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Coal Authority – No objections.

Yorkshire Water – No objection, subject to conditions requiring no obstructions near to public water main; separate systems of drainage for foul and surface water on and off site; and implementation in accordance with the drainage details (including discharge rates) submitted.

Environment Agency – For the 191 dwellings scheme there were no objections.

KC DM Highways – Previous comments have been made requesting further information and revisions in relation to additional traffic survey work, further consideration of committed developments, road layout and parking. It is considered that the updated Transport Assessment (TA), TA Addendums, Travel Plan and revised drawings address the matters raised. Section 106 financial contributions towards a residential travel plan and travel plan monitoring are necessary to encourage modes of sustainable travel. Subject to the necessary conditions, particularly in relation to bin storage and collection points there are no objections. Also, it should be noted that a scheme to improve highway safety on Cumberworth Road will have to be agreed with the council's Highway Safety team – any scheme will have to be funded by the applicant in its entirety.

KC Lead Local Flood Authority – No objections, subject to minor changes to detailed design, the imposition of the appropriate drainage conditions and securing the necessary funding for off-site works as well as maintenance of the drainage proposal, as part of a section 106 agreement. Detailed comments have been provided in relation to landscaping, connection points and discharge rates, riparian ownership, flood routing, attenuation, southern watercourse, northern watercourse, section 106 agreements, structures, construction phase drainage and flood risk control, Yorkshire Water Clean Water Main and suggested conditions.

### **8.2 Non-statutory:**

KC Building Control – The application will require a building regulations application to the local authority or approved inspector. These comments are in relation to a member of public response: "All houses in the area, particularly at Bedale Drive rely on a high water table and the natural watercourses, this development will effect these features, which will affect the foundations of these properties, which is already an issue in terms of cracks and subsidence." These are existing houses and not part of the application no information available on their foundation but, should have been designed taking into account seasonal variations and existing ground conditions. If founded on a shrinkable clay strata could be subject to heave or shrinkage dependant on change in moisture content. Any water course encountered during the excavations for the new dwellings should be diverted around the foundations and reconnected. It would

be unusual for excavations above an existing site to lower the water table the amount of water falling on the area will be the same, but it will be collected and redirected. It may affect surface water run off due to roofs, drive ways and road been taken direct to surface water drainage system. The ground investigation report should be given to the developers drainage engineer and structural engineer designing the foundation for their comments, as to how it may affect the existing dwellings adjacent to the site, it is not covered under the building regulations application for the new dwelling

KC Ecology – The measures proposed in the Ecological Impact Assessment as ecological mitigation and compensation are in principle appropriate and sufficient to prevent significant ecological harm. Concern expressed as to how habitats, particularly hedgerows, will be accessed for maintenance in the long-term. Conditions are recommended seeking a Landscape and Ecological Management Plan and Construction Environmental Management Plan.

KC Education – A total financial contribution of £520,570.00 is required, for Skelmanthorpe Academy (£284, 761.00) and Scissett Middle School (£235, 809.00). No contribution is required for Shelley College. At the request from members of the strategic planning committee, further clarification was provided in relation to school capacity and catchment areas, particularly for St Aiden's CE Academy.

KC Environmental Health – No objections, subject to conditions.

KC Landscape – Support in principle, subject to conditions and financial contributions, secured by s106 agreement towards off-site provision (£194,481.00).

KC Minerals – No objections.

KC Planning Policy – The principle of residential development on the site has been established through its allocation in the Local Plan (site H502). There are some planning policy concerns relating to the design of the site and further consideration may need to be given to this in terms of residential amenity, parking and landscape.

KC Trees – No objections to the latest layout plan.

KC Design and Conservation – For the 191 dwellings scheme the officer welcomed the footpath link through the proposed POS to the north west. Concerns raised in relation to a smaller POS at the entrance, lack of a landscape buffer to the west, dominance of the parked car, little scope for necessary tree planting, dual aspect houses on junctions, bin store locations.

KC Public Rights of Way – Support the proposed link to Huddersfield Road if it is to be 3m wide and multi use.

KC Public Health – No objections.

KC Strategic Housing – Advise an equal split of 19 Affordable Rent and 19 Intermediate units. As the site's area is has one of the highest rates of homeownership in Kirklees (80%), there's likely to be a need for more Social or Affordable Rent dwellings - which will go towards achieving a mix of tenures in the area. Unless they have a particular reason, given the need in the area a reduction of Affordable Rent dwellings to 7no. is not acceptable.

Northern Gas – No objections.

Police Architectural Liaison Officer – no objections in principle but concerns raised in relation to the proposed shared rear garden access for terrace dwelling houses, lack of defensible space for some dwelling boundary fencing and the street and the need a defensive planting border to separate the open space from the parking area. Verbally agreed with the applicant that this can be resolved by planning condition.

Asset Protection Team (National Grid) Cadent – No comments received.

Huddersfield Area Health Authority – No comments received.

WY Archaeology Advisory Services – There is a low archaeological potential at the site. Recommend conditions to carry out archaeological evaluation by geophysical survey and trial trenching. Further archaeological work may be necessary, depending on the results of this evaluation.

West Yorkshire Fire Authority – No comments received.

## **9.0 MAIN ISSUES**

Principle of development  
Urban design issues  
Residential amenity and quality  
Affordable housing and housing mix  
Highways issues  
Flood risk and drainage Issues  
Public and environmental health issues  
Landscaping, trees and biodiversity  
Other Matters  
Planning Obligations  
Conclusion

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Planning law requires that applications for planning permission must 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 forms a large part of the allocation for housing in the Local Plan (site allocation ref: HS140). Full weight can be given to this site allocation, which identifies the following constraints/ site specific considerations and reports required when considering development of this site:

#### *Constraints:*

- Part of this site lies within a UK BAP priority habitat
- Part/all of the site is within a High Risk Coal Referral Area

#### *Other site specific considerations:*

- Landscape measures are required to mitigate against the visual impact of the development at the edge of the settlement
- 10.4 The planning application site does not include the Cliffe Hill Reservoir, which is a UK BAP Priority habitat. As mentioned previously, two small parcels of land have already had planning permission for residential development of a total of 7no. dwellings and have been or are being constructed. The entire site allocation has a net developable area of 5.81 hectares and an indicative capacity of 189no. dwellings. It is important to understand that this number is not a minimum or a maximum figure and just an indication of the number of houses that could be achieved on site. Furthermore, Local Plan Policy LP7 requires housing density should ensure efficient use of land, in keeping with

the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. The importance of making effective use of land is also recognised in Chapter 11 of the NPPF and the PPG, which was updated on 22<sup>nd</sup> July regarding this matter.

- 10.5 The development proposals would provide 190 dwelling, which would provide a density of 33 dwellings per hectare. Members of the public have raised concerns that this development would represent ‘overdevelopment.’ However, it is considered that the applicant has demonstrated that a development of this scale, considering the site constraints could be achieved. As such, it is considered that the proposal is of an appropriate size and scale for the application site.
- 10.6 The site is predominately contained by the built up area of Skelmanthorpe with residential properties to the north, east and south east. To the west and south of the site is open countryside which fall within the designated Green Belt boundary. The applicant has proposed retention and enhancement of the existing hedgerow. In addition, the applicant has submitted plans showing an enhanced landscape buffer along the site’s western edge to mitigate against the visual impact of the development at the edge of the settlement. Although, this landscape strip is outside the red line boundary, the applicant has provided evidence that the landowner has consented to this arrangement. Furthermore, a management plan has been provided that could be referenced and appended with the section 106 agreement to secure future maintenance works. As such, it is considered that the proposal could address the site allocation ref: HS140 ‘other site specific considerations.’
- 10.7 The application site is an accepted housing allocation on the Local Plan and as such the site has already been robustly assessed as being accessible and in a sustainable location. Furthermore, given the site’s location adjacent to an already developed area and its proximity to a number of local facilities the principle of development is acceptable. Thus, the principle of development would accord with the vision and strategic objectives, as well as policy LP1 (Presumption in favour of sustainable development) of the Local Plan.
- 10.8 Officers’ recommendation to accept the principle of residential development at this site would however need to take into account the impacts of the development with appropriate mitigation where necessary and a high quality development will be expected. These matters are addressed later in this report.
- 10.9 Finally, Policy LP5 of the Local Plan requires master plans to achieve, community facilities to serve the new development (e.g. local shops, community halls, schools and health facilities, etc.) In this instance the proposals for up to 190 dwellings/units does not in itself generate the additional need nor justify for such facilities to be provided on site.

#### Urban design issues

- 10.10 Chapter 12 of the NPPF and Design Guidance in the PPG states, that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP24 of the Local Plan requires that good design to be at the core of all planning decisions.

- 10.11 Details of the current proposals are provided in section 3.0 of this report. As explained in the Design and Access Statement several layout plans have been previously proposed either at pre application stage, Examination in Public of the Local Plan or at planning application stage in relation to a number of site constraints and opportunities.
- 10.12 The main access into the site has always been proposed with Cumberworth Road and has always been considered acceptable in principle by officers to serve a residential development of this scale. An additional pedestrian and cycle only link with Huddersfield Road is also proposed. It is considered by officers that this link is important to enhance the site's integration with the adjacent built environment and to maximise the site's permeability. It is considered that the proposed layout has been appropriately designed and will help to encourage people to walk and cycle.
- 10.13 The proposed road layout has been dictated by the shape of the site and the lie of the land with one of the POS being located to the main entrance to the site and the largest POS being located in the lowest area of the site. The layout shows a hierarchy of streets and spaces with the use of trees, on-street parking and shared street principles. It is considered that the proposed street layout would aid legibility and the 'sense of place.'
- 10.14 The proposed houses either 'back' or 'side' onto existing houses associated with either the private drive to the north west, Huddersfield Road, Bedale Drive and Cumberworth Road. This ensures that the privacy of the proposed and existing dwellings are protected and that the proposed streets and spaces benefit from the necessary natural surveillance and 'active edges.' The proposed landscape plan shows the retention of a number of boundary hedgerows and trees, as well as the provision of a number of landscape buffers. These landscape features will help soften the proposed development edge with the green belt and surrounding existing public realm, as well as further protect the privacy of existing and future residents. Landscaping has also been used to help break up the proposed car parking to the front of the dwellings and to help enhance the overall street scene.
- 10.15 Residents have stated that the design of the houses leaves much to be desired both aesthetically and practically. However, this is a subjective opinion. The proposed dwellings are relatively simple in terms of built form and overall appearance. Proposed house types would consist of a range of 2 and 2.5 storey dwelling units, either in a terrace, semi-detached or detached built form. Dwellings would include window opening with some cill and lintel details. Some dwelling units would include front projecting elements such as porches and garages and gables. Some dwellings would include dormer features and they would comprise pitched roofs. Building materials are yet to be agreed but the developer and could be secured by condition. The site is surrounded by a variety of residential dwelling house types, ranging from 19<sup>th</sup> century terraces to mid 20<sup>th</sup> century semi detached and detached bungalows to 2 and 3 storey semi detached, detached and terrace 21<sup>st</sup> century housing. A mixture of building styles and materials can be found including, brick, stone, artificial stone and render, as well as a mixture of flat profile and pantile roof tiles. Therefore, the varied character and appearance of the local vernacular reinforces the acceptability of the design of the proposed development, which would be considered in keeping.

- 10.16 Representations have requested the retention and the use of hedgerows and dry stone wall boundary treatments, which are characteristics of Skelmanthorpe. Drawings show that the applicant has sought to retain such features where possible. Other boundary treatments are proposed but have been selected in relation to their new residential setting and are considered acceptable.

#### Residential amenity and quality

- 10.17 Paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.18 Representations have raised concerns about the proposed relationship between the proposed residential dwellings and the bungalows at Bedale Drive. Concerns have also been raised in relationship to the number of affordable housing proposed in this area. The proposed dwellings that back onto the houses associated with Bedale Drive are 2 storey in height and have an acceptable separation distance, in excess of 21m. There is a block of terrace dwelling units that would side onto no.112 Bedale Drive. The separation distance is 12m and there would be a bathroom window at first floor level. However, majority of the proposed built form is sited behind the garage of no.112 Bedale Drive and would not directly overlook any habitable room windows. The applicant has indicated on the plans that the proposed gaps in the hedgerows with no.110 Bedale Drive will be infilled with native planting. Officers are of the opinion that given the proposed separation distances and the location of the proposed dwellings relative to those associated with Bedale Drive that there would not be an adverse impact on residential amenity in this location. In addition, it is considered that the proposed mixture and type of housing in this location would not have an adverse effect on residential amenity, particularly in terms of an unacceptable noise impact and antisocial behaviour.
- 10.19 After consultation on the proposed 191 dwellings scheme, officers raised concerns about the proposed separation distances between the proposed and existing dwellings at Huddersfield Road. Subsequently, the applicant has repositioned some of the dwellings (all of which are 2 storey) along this northern boundary. There is now an acceptable separation distance in excess of 21m, between the proposed and existing rear elevations. Furthermore, the applicant has proposed intervening planting and enhancement of the existing vegetation along this boundary to further protect residential amenity. It is considered that the proposed dwellings have been positioned so that there would not be any adverse affect on residential amenity of no.65 Huddersfield Road. The front of some of the proposed dwellings would face the boundary of no.63a Huddersfield Road. However, given the intervening vegetation and the separation distance of 15m being achieved, it is considered that there would not be an adverse impact on residential amenity.
- 10.20 It is considered that the siting of the proposed dwellings in relation to the existing dwellings at no.92 Cumberworth Road and no.129 Bedale Drive would be acceptable.
- 10.21 Officers are of the opinion that the proposed siting of the dwellings and landscape buffer with the unnamed road to the north west would ensure residential amenity would be protected.

- 10.22 Policy LP24 (Design) does not specify a minimum requirement (in sqm) for private outdoor amenity space for dwellings nor does it set out minimum separation distances to protect residential amenity. However, plans show reasonably sized private gardens are proposed for all of the dwellings. Each of the dwellings would have a rear garden that range from 9m to 12m in length and tend to be sited behind front driveways. As such, sufficient separation distances between the proposed dwellings would be achieved to protect residential amenity. However, officers consider that PD rights should be removed for all plots on the approval of the application to ensure that no large, overly dominant extensions, outbuildings or dormers would be constructed, which could have an adverse harmful impact on the uniformity and character of the development or create significant amenity issues to adjacent occupiers.
- 10.23 The quality of the proposed residential accommodation is also a material planning consideration and a number of representations have raised this as an issue with the application. Although the Government's Nationally Described Space Standards (NDSS) (March 2015, amended May 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. During the application, officers did request that all of the house types address these standards and this was requested by members at the strategic planning committee. However, the applicant has still chosen 2no. house types (out of the 11no. house types) that would not adhere to such standards, these are Alnwick house type (59.27 sqm (NDSS – 70sqm)) and the Buttermere house type (80.83 sqm (NDSS – 84sqm)). In total, there would be 69no. dwellings that would not adhere to the NDSS (33no. Alnwick and 36no. Buttermere). It should be noted that out of the 38no. dwellings allocated for affordable housing, 23no. would be the Alnwick house type. Officers consider that although there is a shortfall in space standards, on balance the planning application would still accord with the provisions of the policies LP11 and LP24 of the Local Plan, in terms of residential amenity, mix and type of residential units proposed.
- 10.24 Concerns have been raised regarding dust, noise and disturbance associated with construction traffic. This matter would be addressed by a condition requiring the submission and approval of a Construction Management Plan and is therefore 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.

#### Affordable housing and housing mix

- 10.25 Public comments have been received expressing concern that majority of the proposed house types would be either 3 bed or 4 bed 'executive homes' that would not be affordable, particularly for local people and for young families. In addition, concern has been raised that the proposed affordable housing will attract 'undesirable' persons and families not from the local area that will have an adverse effect on local crime and antisocial behaviour. The recently developed, 'Paddocks estate' being listed as an example of where this may have occurred. However, there is no evidence demonstrating that implementation of the proposed development would disproportionately increase crime in the local area.

- 10.26 Compared with the previous design, the layout now consists of a greater mix of dwelling units with a greater proportion of 2 and 3 bedroom houses to address local housing needs. Of the 190 dwelling units proposed, 65 (34%) would be two bedroom houses, 86 (45%) would be three bedroom houses and 39 (21%) would be four bedroom houses. This is considered to be of an appropriate mix that could accommodate a variety of household formats, to encourage the formation of a mixed and balanced community.
- 10.27 Within this provision, the applicant proposes 38 affordable housing units (20%) and would not be sold on the open market. Of the 38 dwelling units proposed, 15 (39%) would be the Carlton house type, which is a 2.5 storey house with 3 bedrooms and 23 (61%) would be the Alnwick house type, which is a 2 storey house with 2 bedrooms. A tenure split schedule has been submitted by the applicant that shows that 17 dwellings (45%) would be 'affordable rented' dwellings (13no. Alnwick and 4no. Carleton), whilst 21 dwellings (55%) would be 'intermediate' dwellings (10no. Alnwick and 11no. Carleton). The proposed number and mix of affordable housing would be secured by section 106 agreement. Officers consider that the proposed level and type of the affordable housing is acceptable.
- 10.28 Concerns were raised at the strategic planning committee that affordable housing were not 'pepper potted' around the site. Subsequently, a revised layout plan (Ref: CRSK-2018-001N) and affordable layout plan (Ref: CRSK-2019-003) have been submitted. The plans show the relocation of the proposed affordable housing within the scheme into now 5no. distinct groupings. Additionally, the houses would have similar design features to the other proposed houses that are not considered to be 'affordable housing.' As such, it is considered that the proposed affordable housing would be appropriately integrated and not visually distinguishable.
- 10.29 It is considered that the proposed range of 2, 3 and 4 bedroom dwellings provided across a mix of detached, semi-detached and terraced properties, would provide housing for cross market needs. In addition, the proposed 20% of affordable housing would accord with policy LP11 (Housing Mix and Affordable Housing) of the Local Plan.

#### Highways issues

- 10.30 Policy LP21 of the Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 102 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken up, that safe and suitable access to sites should be achieved for all users, and that any significant impacts on the transport network or on highway safety should be mitigated.
- 10.31 The applicant originally provided a Transport Assessment for 192 dwellings (Optima, January 2019). Concerns were raised regarding the adequacy and scope of the traffic data collected in April 2018 and used within the Transport Assessment. Comments were also raised regarding certain elements of the on-site layout including provision for visitor parking and refuse collection. At the request from Highways Development Management (HDM) officers additional surveys were carried out and the key junctions reassessed, the results of which are provided within a Transport Assessment Addendum (Optima, July 2019). Also, a revised layout has been proposed.



- 10.32 It is proposed that the main access would be sought with Cumberworth Road to the south of the site by means of a simple priority 'T' junction. Cumberworth Road is a two lane, unclassified carriageway, with footpath provision on its northern edge and a grass verge on its southern edge. This section of road towards Skelmanthorpe is subject to a 30mph speed restriction, whilst within a short distance, towards Lower Cumberworth the road is subject to the national speed limit. HDM officers consider that a suitable access point to the site can be achieved for 190 dwelling houses at this location, without the need for a second access point at Huddersfield Road.
- 10.33 Based on independent traffic survey data collected in May 2019, the applicant's Transport Assessment Addendum predicts that, in 2024, a residential development of 191 dwellings at this site would generate 115 vehicular trips in the morning peak hour (07:30 to 08:30) and 138 vehicular trips in the evening peak hour (16:45 to 17:45). Using these predications, as well as figures from surveys of local residential developments and using the industry standard TRICs database, the applicant has reassessed the local highway network, including key junctions. It is concluded that the local highway network and the key junctions have the capacity up to 2024 to accommodate the level of proposed impact of the development, without the need for off-site mitigation. Although, numerous representations query these conclusions, HDM officers have reviewed the Transport Assessment and the Transport Assessment Addendum and have raised no such objections.
- 10.34 In terms of the Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network (which takes into account current local road network/public transport use and forecasts planned growth). The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.
- 10.35 From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion.
- 10.36 Within the context of the local highway network and the application site, officers consider that the allocated sites within the local area are either, far enough away from this site, or of small enough scale to not have such a significant effect on the results as to raise concerns about any of the assessed highway or junction capacities. In particular, representations received, have stated that Greenside Mills, Savile Road has recently been given outline approval for residential development and should have been considered in the applicant's Transport Assessment and Transport Assessment Addendum. However, the Transport Assessment conducted by Sanderson Associates for this application (Reference: 2018/91787) concluded that the building of approximately 50 dwelling houses should not be as onerous on the highway network as the existing industrial use. Therefore, HDM officers again, do not consider that there will be a significant effect on the results as to raise concerns about any of the assessed highway or junction capacities.

- 10.37 Speed surveys included in the Transport Assessment confirm that some vehicles travel above the legal limit in close proximity to the site (42mph northbound and 38mph southbound). Concerns have been expressed that the proposal will exacerbate an existing conflict between the existing vehicular access points with Cumberworth Road, particularly driveways. Based on the speed surveys, HDM officers consider that appropriate visibility splays of Cumberworth Road have been demonstrated and that safe right turn manoeuvre into the site can be achieved. Accident data, included within the Transport Assessment shows that there are no specific locations denoted as to where road traffic accidents have historically been concentrated. Thus, HDM officers consider that there is no evidence to suggest that the additional traffic from the proposed development will exacerbate the current situation. The proposed development is considered acceptable in terms of highway safety. However, HDM officers consider it necessary for a condition to seek an appropriate scheme for Cumberworth Road to reduce the speed of vehicular traffic.
- 10.38 In terms of safety for children to walk or cycle to school, HDM have raised no concerns over safety and therefore this would not warrant refusal of the application. Furthermore, HDM do not consider it necessary for financial contributions towards additional off site footpath provision.
- 10.39 There are no parking standards or specifications outlined in the Local Plan. The parking provision for the proposed development is considered to be acceptable with 1 or 2 off street spaces for 2 bedroom dwellings, 2 off street spaces for 3 bedroom dwellings and 3 off street spaces for 4 bedroom dwellings. Some of these properties include garages, which measure 6m by 3m, which is considered acceptable to accommodate a vehicle by HDM officers. The visitor spaces will be equivalent to 1 space per 4 dwellings plots and will be provided using a mixture of off and on street provision, without being unsafely detrimental to the free-flow of vehicles.
- 10.40 The bin collection points have been indicated at various locations throughout the development, although some drag distances for collection of bins will exceed the recommended distance. However, on balance, it is considered that the visual intrusion on green space and the street scene in some instances would outweigh this issue. Therefore it is considered that collection points should be provided at the end of private driveways only. This can be dealt with by a suitable condition.
- 10.41 Further to ongoing discussions with the applicant, several revisions of the layout have been submitted. HDM are now in a position to consider that the internal layout as well as the proposed access points are considered acceptable and in line with guidance set out in Manual for Streets and the Highways Design Guide SPD.
- 10.42 During the course of the planning application, concerns were expressed regarding the proposed pedestrian and cycle connections with Huddersfield Road and with the new road onto Heather Fold to the east. At the strategic planning committee, concerns were again raised about the proposed pedestrian link with Heather Fold. As such, the applicant has provided revised plans showing the removal of this footpath link. Officers still consider it important to retain the footpath and cycle only link with Huddersfield Road to encourage to walk and cycle, as well as encourage greater social interaction and community cohesion.

- 10.43 The internal road width is of 5.5m in width for the traditional estate road sections with 2.0m footways either side, apart from the main entry access road which also has 3m wide grass verges either side. The road layout also includes a shared surface estate loop road that is 5.5m in length with 0.6m hard margins. These roads have a number of visitor spaces integrated into their design. Also, there are also a number of private drives serving a maximum of 6 dwellings that have a width of 4m. It is considered that the proposed road layout and design would accord with the principles set out in Manual for Streets guidance. However a stage 1 safety audit and designers response on the internal layout is required by means of planning condition.
- 10.44 With respect to accessibility, the site forms part of site allocation HS140. As part of the sustainability appraisal evidence for the Local Plan, the site was considered to be within acceptable walking and cycling distances from the local centre and surrounding educational institutions. Bus stops can be found to the north of the site at Huddersfield Road and bus stops can also be found to the south east of the site along Cumberworth Road. These provide access to frequent local bus services 435/437 (Holmfirth - Wakefield) and 233 (Huddersfield – Denby Dale). As such, it is considered that the site is within a location where future residents and visitors could be encouraged to use modes of sustainable transport.
- 10.45 A Travel Plan was submitted as part of the original application but has since been revised (TPS, July 2019), partly in response to the comments expressed by members of the public regarding its content and reliability. The Travel Plan strategy set out within this report details the specific delivery mechanisms that Persimmon Homes intends to implement at the site, along with the specific tools that will be utilised by the Travel Plan Coordinator.
- 10.46 A sum of £95,095.00 (Index Linked) to be paid to the Council has been negotiated with West Yorkshire Combined Authority. This will go towards a residential travel plan fund for the provision of travel plan measures for the dwellings and/or other sustainable travel measures to encourage the use of sustainable travel modes by the residents of the dwellings as set out in the Travel Plan and including MetroCards the need for which arises as a consequence of the development. This also includes provision for Travel Plan monitoring in order to address impacts which directly arises from this scheme.
- 10.47 Finally, concerns have been raised over construction traffic, however a condition to ensure a suitable construction management plan be submitted prior to commencement of works has been recommended which will ensure the disruption is minimised for residents and suitable traffic controls, if required can be put in place.

#### Flood risk and drainage issues

- 10.48 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.

- 10.49 The site is larger than 1 hectare in size, therefore a site specific Flood Risk Assessment (FRA) and Surface Water Management Strategy has been provided by ID Civils Ltd, which was revised in July 2019 to take on board comments by consultees. Representations have expressed concern about the proposed scope of the FRA. However, such concerns have never been expressed about such scope from either the Lead Local Flood Authority (LLFA), the Environment Agency (EA) or Yorkshire Water (YW).
- 10.50 Members of the public have raised concerns about unrecorded culverts and watercourses that cross the site and that these would be adversely affected by the proposal. The LLFA had already asked for the applicant to carry out the necessary site investigations and to subsequently amend the site and drainage layout and FRA accordingly.
- 10.51 The FRA identifies an enclosed watercourse that crosses the southern area of the site from west to east, until the 1800's this would have been open in nature, site investigations found it to be culverted in a 450mm pipe at depths of around 3.3 – 3.5m. The Environment Agency's risk of flooding from surface water plans shows no surface water flooding through the site or crossing the boundaries of the site in a 1 in 100 return period. However, evidence submitted by local residents during the planning process shows that there is a risk of overland flooding in this area. The FRA states and the LLFA concur that the flooding is caused by submerged outfall downstream of the site and possibly poor condition of the pipe itself, which cannot be surveyed due to the situation. This results in water ponding. Residents claim this is a frequent occurrence.
- 10.52 As detailed in the FRA, to address the above matter and to ensure that there is no flooding of the proposed dwellings in the event of blockage or restriction of the culvert, the following is proposed:
- As part of the drainage proposals, the culvert passing through the site will be renewed and new sections of pipe with an orifice of 300mm will be laid;
  - The new section of culvert will be connected to the old and there will be a high level headwall inlet to receive any flows from the shallow ditch running above the culvert;
  - At the downstream end of the culvert, the new culvert will be connected to the existing via a new manhole – the section of watercourse immediately downstream of the site will need to be de-silted so as not to restrict flows from the culvert.
- 10.53 To reduce the risk to new dwellings houses should a total blockage or collapse ever occur again, the following is proposed:
- Plots in the vicinity of the existing culvert have been orientated to provide an overland flood route across the site to eliminate the risk of flooding to dwellings;
  - Two shared driveways laid to gradients, which can safely convey flood water through the site;
  - Houses served by the driveways will be set at a higher level than the flood route;
  - The road running through the centre of this area will be designed to feature a low spot on the line of the overland flood route;

- 10.54 The LLFA do not object to the above principle but have requested further amendments to the detailed design that can be secured by condition. The LLFA has suggested a management company is secured to maintain the watercourse at regular intervals to remove the onus on a few householders, spread risk management across the development and reduce the risk of neglect.
- 10.55 The FRA, also details that adjacent to the north eastern corner of the site there is a culvert and partly open section of watercourse to the rear of no.63a Huddersfield Road. This watercourse turns east and enters culvert through the site running down the rear of a number of properties on Huddersfield Road. Members of the public have expressed concern of flooding in this locality and the LLFA also have records of reported flooding. It is considered that the culvert is in a extremely poor condition and of a design that is considered unsuitable to be relied upon to receive estate surface water. Flooding has been attributed due to structural failure in the past. The FRA seeks to avoid additional flows and volume passing through this culvert so as not to affect the current situation and the LLFA do not object to this proposal.
- 10.56 The FRA states that the risk of flooding to the development is considered to be low as the site is located outside of the fluvial floodplain and surface water flooding plan indicate no linear flood routes (Refer to paragraph 10.51). The FRA states that Yorkshire Water record plans show that there are no sewers crossing the site, therefore there is no risk of flooding within the site. The groundwater table has been located approximately 1.4m -3.3m below the site and is not considered a flood risk but along with soil type would preclude the consideration of soakaways.
- 10.57 There is a former water supply reservoir adjacent to the north western corner of the site. The LLFA previously raised concerns about a possible link between the reservoir and the site, particularly to the watercourse network behind dwellings on Huddersfield Road. However, after site investigation works it was concluded that there were no culverts crossing the north of the site from the reservoir. The FRA explains that the Environment Agency mapping shows that the site is not at risk from reservoir flooding. However, in agreement with the LLFA, in order to protect against any potential overflow from the existing pond, a 900mm boundary wall is proposed adjacent to plots 62-66, 69, 91 and 107. This feature will channel any flood water away from dwelling curtilages and towards the road through the site. The applicant has explained how the wall will be protected in property deeds and new residents will not be allowed to remove it or alter its construction. The LLFA have explained that the water body labelled as a reservoir is much smaller than a mill pond. The LLFA require stone walling along the boundary but recognise that with no inlet observed, overtopping as a risk factor is much reduced from first envisaged.
- 10.58 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body (watercourse)
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer

- 10.59 The applicant has considered drainage in line with the drainage hierarchy. The use of soakaways for this development is considered unfeasible due to the underlying ground conditions. It is proposed that, given the site constraints and topographical issues, the site will be split into two separate outfalls for surface water. The net developed area is 4.89 ha and will be split into two catchments in terms of surface water. The southern area of 1.27 ha will be drained into an existing culverted watercourse that runs across the site and then between the existing properties at Cumberworth Road and Bedale Drive. The discharge rate will be agreed with the LLFA but greenfield rates of flow would allow 6.35l/s. Surface water will be stored in a below ground box culvert and discharged at the agreed rate using a Hydrobrake. The remainder of the site to the north, which has a development area of 3.648 ha will be drained to the combined sewer in Huddersfield Road as agreed with Yorkshire Water at a discharge rate of 3.5l/s. It should be noted that a connection to the culvert to the north was discounted given the condition of the culvert, nature of its construction, its location and history of flooding.
- 10.60 Representations have raised concern about the above proposed drainage strategy and the discharge rate. However, the LLFA have explained how the estimated greenfield calculation of a maximum of circa 6l/s to flow through a control device in the 1 in 100 year critical storm event with an allowance for climate change. As such, they have no objection to the 6.3l/s highlighted in the FRA as it represents a reduction in peak discharge rated for any storm event above the annual average. However, the LLFA have stated that a connection must take place within the site boundary given the written objections from adjacent landowners regarding utilisation of their land.
- 10.61 Flooding from the 1 in 100-year event plus climate change should be stored in the site. The LLFA use a climate change factor of 30% which allows for climatic changes in rainfall rates over the development lifetime as per government guidance. For the southern part of the site, the applicant has proposed the use of oversized pipes under the roads and an offline underground crate system below the private driveways. For the rest of the majority of the site an attenuation tank is proposed to the north eastern corner, underneath the proposed open space. It is proposed that all sewers and the storage tank in the north and oversize pipework in the south will be adopted by Yorkshire Water under a section 104 agreement. The offline section of the storage in the south will be part of a management company arrangement. Although, the LLFA have raised no objections to the proposed drainage strategy, they have requested that the proposed drainage design details to be secured by planning conditions
- 10.62 Numerous concerns have been expressed about the potential for downstream flood risk. However, it is considered that the FRA has demonstrated the rate of surface water runoff discharged from the development will be restricted to ensure that there is no increase in flood risk to the downstream area.
- 10.63 In terms of foul water, the FRA explains that Yorkshire Water has confirmed that foul water flows from majority of the development can be discharged to the combined sewer network in Huddersfield Road. It is planned for a small number of the plots to drain to the combined sewer in Cumberworth Road. Furthermore, Yorkshire Water do not object to the planning application, subject to the imposition the necessary conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure.

- 10.64 A section 106 agreement would be required to secure a management company for the necessary drainage maintenance and management for the lifetime of the development, prior to adoption. Additionally, a plan of the proposed culvert/watercourse works and a supporting letter, detailing the suggested onsite and offsite enhancement works has been submitted at the request of members of the strategic planning committee. This also proposes a financial contribution of £20,000 for offsite downstream watercourse improvement works (LLFA requested £5,000), which could be secured by section 106 agreement. Officers accept these details and consider the proposed offsite improvement works would be carried out and managed by the LLFA, working with the concerned local residents.
- 10.65 Subject to ongoing investigations on the culvert to the south of the site to facilitate the proposed development; minor amendments to the proposal; imposition of conditions; and securing a section 106 agreement; it is considered that the proposal accords with policies LP27 and LP28 of the Local Plan and Section 10 of the NPPF with regard to drainage and potential flood risk.

#### Public and environmental health issues

- 10.66 A number of representations have been received expressing concern that this development would have an adverse affect on the health and wellbeing of the existing and future residents, particularly children. This presumption is primarily based on an increase in road traffic, which would be associated with the proposal. The council's Public Health team have explained that this development falls outside of the agreed screening criteria for the completion of a Health Impact Assessment and as such have no comments for this application. It is considered by officers that these assumptions are unfounded and that application would accord with chapter 8 of the NPPF and policy LP47 of the Local Plan.
- 10.67 In terms of concerns regarding land contamination, the applicant has submitted a combined phase I and phase II Contaminated Land Report, which identifies a number of ways to remediate the site. Environmental health officers have reviewed the report and agree with the findings outlined in phase I but have requested a condition securing further work with regards to phase II. The site is largely greenfield, and considered capable of being brought back into a condition that is safe to receive the new residential development, and associated garden areas and play space. This matter can be dealt with by the imposition of appropriate conditions covering remediation and validation. This is in accordance with the requirements of Chapter 15 of the NPPF and policy LP 53 of the Local Plan.
- 10.68 The applicant has submitted an Air Quality Impact assessment, which been assessed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) Planning Guidance. The size of the development is more than that of prescribed values set out in this document, which is why it is regarded as a medium development. Environmental health officers are satisfied the air quality impact assessment meets medium development requirements and are satisfied with the conclusions. As such it is considered the issues of air quality have been satisfactorily dealt with and can be secured by appropriate conditions.

- 10.69 Concerns have been raised about the potential increase in the level of lighting, noise, dust and odour, particularly in associated with an increase in traffic. Environmental Health officers have not raised any concerns regarding these matters, but have requested a condition to control levels of dust and a footnote advising the applicant in terms of noise disturbance.

Landscaping, trees and biodiversity

- 10.70 The site has previously been used for agriculture, and as such is predominantly improved grassland. The applicant has submitted information carried out by Brooks Ecological, these include: an Ecological Impact Assessment (December 2018), a Preliminary Ecological Appraisal (June 2017), a Great Crested Newt Survey (August 2017), a Breeding Birds Survey (November 2017) and a Bat Survey (November 2017). Numerous concerns have been raised about the adverse effect that this proposal will have on wildlife and their habitats. Concerns have also been raised about the scope, number and date of these surveys. The application has been reviewed by the council's Biodiversity officer who considers that the information is sufficient and subject to the appropriate conditions in terms of mitigation, the proposal is in line with policy LP30 (i). In addition, measures proposed in the latest landscaping layout plan now provide the scope to deliver the necessary biodiversity enhancements and habitat creation.
- 10.71 An Arboricultural report has been submitted with the application and has been reviewed by the Arboricultural officer. It is considered that there are no trees worthy of protection would be affected and that mitigation planting in the submitted Landscape Masterplan is welcomed. Additionally, since the planning application was presented at strategic planning committee, the applicant has submitted revised plans showing additional tree planting.
- 10.72 It is considered that the proposed landscaping and the retention of boundary hedgerows safeguards and augments the existing green infrastructure network around the site, providing an opportunity for bio diversity enhancement. A condition is proposed requiring a Landscape and Ecological Management Plan to secure this enhancement and its future maintenance.
- 10.73 Representations have been received that states that new housing should be designed to allow nesting sites for swifts and swallows. The applicant has carried out the necessary ecological survey work and proposed the necessary mitigation, including bird nest boxes. These measures are considered acceptable by the Biodiversity officer.
- 10.74 Representations have expressed concern about the loss of open green spaces and the effects this has on health and wellbeing. However, the site is currently private open agricultural land, with no public access. The proposal would deliver accessible, public open space (POS) across the site, in line with the policy LP63 of the Local Plan. The plans do not show the provision of either a Local Equipped Area of Play (LEAP) or a LAP Local Area of Play (LAP). Representations have been received expressing concern about the lack of children play areas within the local area for this scale of development. However, officers have carried out detailed assessments in line with policy LP63 of the Local Plan analysing such POS shortfalls. As a result, the necessary off-site lump sum to improve existing play areas and other POS elsewhere in Skelmanthorpe has been agreed. Financial contributions towards off site POS, as well as the provision and subsequent maintenance of the proposed on-site POS will be secured through a section 106 agreement.



10.75 It is not considered that the proposed development would compromise the character of the area. Whilst the site would be changed from open countryside to an expanse of housing, which would be detrimental to openness and rural views. However, majority of the site is located in between existing houses to the north, east and south west, as such it would be seen in context with the Skelmanthorpe built environment. Overall there would be no overriding landscape or visual harm arising as a result of the proposal and the intrinsic character of the wider countryside in this location would not be significantly harmed. The proposed development represents an acceptable form of design in accordance with Local Plan policy LP24.

### Representations

10.76 The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:

- Brownfield sites are available for development (References made to other sites in the district and that there are enough brownfield sites to build over 4700 homes).

**Response:** The Local Plan seeks to meet the district's housing and employment needs. There is not sufficient deliverable and/or developable brownfield supply to meet needs throughout the plan period. The Local Plan process has identified this particular site as being necessary and suitable for housing development, which in turn will help contribute towards the district's housing needs. The Local Plan does not give preference as to which site should or should not be brought forward for development and each application site has to be judged on its own individual merits.

- There are vacant homes on recently developed sites nearby and the area already has a surplus of 3 and 4 bedroom houses

**Response:** There is no requirement for the applicant to demonstrate need.

- This is green belt land and will set a precedent for development on other green belt land.
- Local residents have not been allowed to extend their homes yet the council are willing to build on green belt land.

**Response:** The site is not green belt land. Each application is dealt with on its own individual merits and circumstances therefore no precedent would be set by any decision to grant planning permission. Furthermore, there are no objections to the loss of separation between surrounding settlements.

- Permanent loss of valuable and productive agricultural land (Post Brexit).

**Response:** The NPPF and the Local Plan both seek to avoid losing the best and most versatile agricultural land, where possible. However, the loss of agricultural land for housing, in this instance, is considered acceptable as it is in accordance with the Local Plan.

- Questioning of the morality, ethics and transparency of the developer and the local council.
- We have been left out of this process by our local government and feel that there is a lack of understanding and care from both them and persimmons for the people and homes which already exist here.

- Kirklees' approach to such planning requests is lax and devoid of any resident engagement. This posting was difficult to find, I guess intentionally considering the looming deadline.

**Response:** Publicity of the housing allocation and the publicity of this planning application have been carried out in accordance with normal standard protocol and procedures. The developer has also carried out community consultation, prior to submission of a planning application.

- There is already inadequate parking for local shops and services (e.g. Coop, library and GP surgery)

**Response:** The site is within a 800m from local shops and services, thus they will be able to walk or cycle rather than rely on their cars to travel to these local facilities.

- The condition of the local road network is extremely poor state of repair and these plans will simply make them worse.
- The street lighting on Cumberworth Road is not sufficient to support an increase in traffic.

**Response:** The Highways Authority have not raised any objections and would seek the necessary works under separate legislation.

- The proposal will impact on the response times to emergencies of the local community fire station that is located on Cumberworth Road.

**Response:** The Fire Authority have not provided comments on the planning application and HDM officers do not consider this to be an issue with the application. There are waiting restrictions presently in place around Skelmanthorpe Fire Station. The area is well protected by a "no waiting at any time" restriction barring a small section that has presumably been kept restriction-free to allow local residents to park on-street. As such, it would not seem necessary to pursue any further restrictions in the vicinity as part of this planning application.

- An increase in traffic will have a detrimental effect on local businesses

**Response:** There is no evidence to suggest that this would be the case. In fact, it is considered that the proposal will result in the additional use of these facilities and will assist in supporting and sustaining them.

- The Flood Risk Assessment is not impartial and highly in favour of this development. It does not take into consideration all of the site's and surrounding areas watercourses. Last summer was the driest for decades so any calculations regarding flooding risks are underestimated.
- There have been over ten incidences of overflow on both Cumberworth Road and Commercial Road, leading to guidance from the Council Building Department (2014) that no large development should be undertaken as the sewers serving these areas would not be able to cope.
- The addition of foundations for 192 new houses will play adversely affect natural land drainage. A development of 4 houses near Bedale Close has caused a previously dry cellar of 100 years to repeatedly flood.

**Response:** Consultees have not raised any objections to the FRA or to the proposal based on incidences in the vicinity. No such document is known by the Lead Local Flood Authority to exist.

- The dyke is already protected in other parts of the village where a weight limit is placed on roads above the dyke. The excavation and building plant will presumably put excessive weight on the dyke.
- Man hole covers are often lifted during heavy rainfall and blocked drains cause highway flooding which can have an adverse impact on highway safety, e.g. Busker Lane.

**Response:** The Highways Authority deal with these matters under different legislation and have not raised any objections to this proposal regarding these concerns.

- Insurance issues for current residents due to the increased flood risk

**Response:** No evidence has been provided to show that this would be the case. Furthermore, the FRA states that outfalls will be discharged at a rate lower than the minimum greenfield rate for the site, which would further safeguard the public sewer system.

- The development will affect the location of watercourses and the ability of the ground to take on water. The foundations of the properties at Bedale Drive and the locality will be affected as the surrounding clay soil needs to remain well saturated year round in order for the foundations to remain stable.

**Response:** There is no evidence demonstrating that the proposed development would adversely affect the stability of adjacent dwellings. The applicant has submitted a combined phase I and phase II Contaminated Land Report, which identifies a number of ways to remediate the site and such works would be agreed by planning condition. Furthermore, any damage to neighbouring properties would be largely a civil matter to be resolved between the developer and neighbouring land owners.

- Skelmanthorpe and the surrounding villages do not have any large businesses to provide jobs to new residents.
- The development will bring little or no increased business or jobs to the local area.

**Response:** On the contrary, due to its location, it is considered that future residents would have good accessibility to numerous local facilities and employment opportunities by either on foot, cycle and/or public transport, reducing the reliance on the private car. Furthermore, there would be short term economic benefits associated with the construction industry. Also, future residents would help support local shops and services in the long term.

- All of the schools are oversubscribed and the proposed financial contribution of £550k will not address this matter.

**Response:** Policy LP49 of the Local Plan and Kirklees Council Policy Guidance: 'Providing for Education Needs Generated by New Housing' both state that the need for the provision of additional school places will be a material consideration when proposals for new housing developments are considered. The Council will negotiate with developers for a financial contribution to cover the cost of additional school places where the local school has insufficient assessed capacity within available accommodation for the places likely to be generated. The site falls within the catchment areas of Skelmanthorpe Academy, Scissett Middle School and Shelley College. Based on a series of calculations, the School Organisational and Planning Team have sought £284,761.00 for Skelmanthorpe Academy and £235,809.00 for Scissett Middle School as a result of a school place deficit and the number of dwellings proposed. No objections have been received from the organisation and the

applicant has agreed to secure these financial contributions by way of a section 106 agreement.

- Insufficient capacity at local doctors, dentists (particularly NHS) and medical centres. Particularly affecting the elderly and disabled.
- No consideration as to the impacts on the infrastructure, given to the other recent and planned developments in the local area or how this will impact on the immediate and wider area.
- No information has been provided by Persimmon to assess the impact on health services or how they will improve current infrastructure

**Response:** Regarding the social infrastructure currently provided and available in Denby Dale ward (which is relevant to the sustainability of the proposed development), it is noted that local health care provision has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for health care 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.

- Utilities/services infrastructure in surrounding area cannot cope nor accommodate proposed development

**Response:** The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services.

- The new houses would also cause a rise in the energy supplies needed, and fossil fuel resources are rapidly decreasing already, without creating an even higher demand for them.

**Response:** This matter would be dealt with by building regulations, which set minimum standards for the performance of buildings, with Part L specifically regulating the conservation of fuel and power.

- Destruction of community cohesion

**Response:** There is no evidence currently before the council indicating that these impacts would be caused by the proposed development.

- Persimmon have been criticised for their lack of building quality and warranty support. This has been published both on television and by the press.

**Response:** This is not a material planning consideration and would be controlled under separate legislation.

- Two Planning Applications from last year (2018/92290 and 2018/91199) gave approval for the change of use of two such affordable houses into Hairdressing Salons to add to the 7 Hairdressers and 1 Barbers Shop already operating in the Village. This brings into question what the overall planning strategy for Skelmanthorpe is based on.

**Response:** Each planning application is assessed on their own merits.

- Request that any Section 106 Agreement payment made by the developers to the council is spent on local village projects, especially those which benefit young people, and that clear and transparent records are made available of all expenditure from such payments as a matter of course.

**Response:** It is a requirement of the 1990 Town & Country Planning Act that obligations must be directly relevant to the proposed development and that a copy of the agreed planning obligations are publicly available.

- Large number of objections demonstrate that the people of Skelmanthorpe do not want this development.

**Response:** The number of responses is in itself not a material planning consideration.

- The application is ill judged and based on old data.

**Response:** Consultees have assessed all of the relevant plans and supporting information, requested additional information and have not raised any issues regarding the data presented.

- In the past none of other builders promises have been kept.
- Constant housebuilding ruining communities would be less necessary if local authorities actually followed up properties which have in some cases been left empty for years.

**Response:** No evidence has been presented where this has been the case. Furthermore, each application is dealt with on its own individual merits.

- Kirklees have already taken a public space that was for seating to make a car park. There are no protected green spaces in the village therefore these green spaces surrounding the village are very precious

**Response:** It is unclear which public space is being referred to or how this relates to the planning application. The site is currently private agricultural land and not protected green space or public open space.

- The nearby village of Flockton is already being choked by such large developments and it is feared the same will happen here.

**Response:** No evidence has been presented where this has been the case. Furthermore, each application is dealt with on its own individual merits.

- Shouldn't Council have employed its own independent consultants for highway, drainage and biodiversity, etc rather than agent

**Response:** It is common practice and more appropriate for the applicant to appoint their consultants and for the council to subsequently review the information provided.

- Impact on house prices

**Response:** This is not a material consideration relevant to this planning application.

- There is a water table flood risk issue.

**Response:** The groundwater table has been located approximately 1.4m -3.3m below the site and is not considered by officers to be a flood risk issue.

- The water currently flows freely through the stream but increased flow will cause flooding when it reaches the underground culvert on Bedale Ave. The proposed site land was drained in the early 1970s, the gully in the field was filled with brickbats etc, and a plastic land drain pipe was laid, but unfortunately it was laid on top of the porous brickbats causing the water to emerge under the header pipe
- Surely more up to date geophysical mapping would be appropriate to locate any hidden culverts on the land. Shouldn't Council have employed its own independent consultants for highway, drainage and biodiversity, etc rather than agent
- The FRA also states that the head of the watercourse is silted up and should be cleared. This is not the case as there is no silt whatsoever. The problem is that the developer is intending to connect to the watercourse below its invert level thereby causing the problem. The developer is basically requiring the owners of the watercourse to excavate it to a level that suits their plans. In summary I will not accept any increase of flow from the present situation and I will not accept surface water from the development onto my property. Any attempt to do so will be met with legal action.
- The developers intend to prevent the area adjacent to the southern end of site from ponding by draining it directly into the open watercourse behind through a 300 mm pipe without attenuation. The existing situation is far better than this proposal.
- The land is a natural soakaway for rain water and this passes slowly to other outlets and naturally pools in the dip. If this area is hard landscaped that water will be increased in volume and have adverse effects on residents further downstream.
- The proposal will worsen ground water flooding and the existing issues of basement flooding of the surrounding properties.
- Houses on Westfield Drive already suffer from poor water pressure, which this proposal will further exacerbate.
- Pressure on water supply and on capacity of existing local main/sewer/water drainage and sewerage facilities.
- No account is taken of recent pluvial flooding within the site boundary.
- Flood risk and drainage issues relating to Cumberworth Road, Huddersfield Road, Lidget Lane, Park Gate and the wider Dearne valley catchment area
- Local experts believe that flooding would likely be more frequent and more extensive.
- Much of Skelmanthorpe is built on clay so the water has nowhere else to go and can't drain away naturally.
- Adverse impact on downstream flooding at Station Road, Elm Street, Dale Street and Saville Road.
- Questions raised in relation to the reliability of the proposed flood routing.
- The proposed development is at one of the highest points in the village and would be built on a field that has historical flooding issues.
- Can the sewage treatment works cope with extra volume that has been added within the last 10 years especially with the large developments both in Skelmanthorpe and neighbouring Scissett and Clayton West? Shouldn't Council have employed its own independent consultants for highway, drainage and biodiversity, etc rather than agent.
- The Flood Risk Assessment is inadequate, lacks the necessary scope, and has a number of grammatical errors and inconsistencies, which reduce the overall confidence in the technical work underpinning the findings.

- A Technical Review of Flood Risk Assessment submitted in objection of a planning application for the erection of 192 dwellings on Land to the North of Cumberworth Road, Skelmanthorpe, Huddersfield - raised 31 points of objection.
- Council have employed its own independent consultants for highway, drainage and biodiversity, etc rather than agent
- An analysis of the drainage strategy has been provided which claims that the underground surface water storage tank in the northern section has been sized incorrectly.
- An analysis of the drainage strategy has been provided which claims that the southern drainage area is fraught with problems and that the sizing of the surface water storage area is incorrect

**Response:** In response to all of the above as well as other drainage related issues raised by residents, the LLFA, Environment Agency and Yorkshire Water have all been consulted on this proposal. No objections have been raised regarding the latest design proposals and supporting drainage details (including the FRA's scope and content), subject to the imposition of the necessary planning conditions.

- This site should not be in flood zone 1; several photos of standing water on the site

**Response:** It is the Environment Agency who has devised a set of flood zones for guidance by developers, councils and communities to explain the probability of river and sea flooding, ignoring the presence of flood defences

- An increase in flow will mean the erosion of gardens on Bedale Drive, Bedale Avenue, Bedale Close and Cumberworth Road.
- It clearly states in SUDS any new development cannot exacerbate the existing problem it must improve it.
- In relation to climate change, has the applicant's drainage proposals taken into account the potential future increase in rainfall?
- Yorkshire water have outlined which SUDS would be most suitable to use, however, in the report table it says that none of those methods are appropriate.
- Following the guidelines on sustainability set by the government, no development can make the drainage any worse. It has to improve it and this would directly go against public guidelines.
- Proposal to renew the culvert in the southern end of site to stop the ponding to the west is against the LLFA advice to allow rainfall to collect on fields and drain away naturally to reduce the risk of flooding downstream. The water from this area attenuates through the stone and brick medium that is below the site and releases it into the watercourse at (for the most part) a controlled rate. Allowing the water to pass straight through the site even with a 300mm restriction at the head of the culvert coupled with 6.3l/s of surface water from the site and the inevitable exceedance flow from the box culvert will greatly increase the flow and result in erosion of the watercourse and blocking of the culvert lower down the village from the resultant debris.

**Response:** The proposed drainage details incorporate attenuation features that take into account a potential future increase in rainfall events, associated with climate change. Kirklees LLFA has no objection to the connection of the northern section to the public combined sewer at a rate of 3.5l/s as sanctioned by Yorkshire Water. The LLFA note that latest shared DG5 data shows no declarations of capacity issues to Ofwat in Skelmanthorpe. Kirklees LLFA estimated a greenfield calculation of a maximum of circa 6l/s to flow through a control device in the 1 in 100 year critical storm event with an allowance for

climate change. Therefore, the LLFA which sets flows for watercourses (not Yorkshire Water) have no objection to the 6.3l/s highlighted in the FRA. LLFA have explained how this represents a reduction in peak discharge rated for any storm event above the annual average.

- The size and layout of the northern portion of the flood storage provision remains the same as in previous versions of the report despite a lower discharge rate suggesting there will be inadequate capacity.
- The advice from Yorkshire Water (YW), selectively quoted in the main report text to indicate a more positive position (including suggesting a discharge route is agreed rather than "to be agreed" as per YW response), is out of date (letter in Appendix C states the YW advice is only valid for 12 months maximum).

**Response:** Yorkshire Water now raise no objections to the drainage proposals, subject to the imposition of the necessary conditions.

- Regarding the main attenuation tank proposed on the northeastern side of the site, the overflow from this tank is still being directed overland, unpiped and unconnected to any watercourse or culvert. This flow will flood newly consented residential properties on the hillside below and those beyond.

**Response:** Officers would seek to control this matter with the use of an appropriately-worded planning condition.

- All development proposals in Skelmanthorpe should be refused until a robust, comprehensive and reliable Area Drainage Assessment has been undertaken throughout Skelmanthorpe by the LLFA and YW and a capital investment programme agreed with the relevant authorities.

**Response:** LLFA and YW have not requested such an assessment to determine this planning application.

- The proposed pipework and surface water attenuation tanks will not be adopted.

**Response:** Persimmon have been in dialogue with the council's section 38 team and Yorkshire Water in working up a detailed design that will be able to be adopted

- Extremely disruptive during building works.

**Response:** Concerns have been raised regarding dust, noise and disturbance associated with construction traffic. This matter would be addressed by a condition requiring the submission and approval of a Construction Management Plan and is therefore 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.

- Potentially have an effect on sunlight.
- Effect on privacy and will mean existing properties' habitable rooms are overlooked

**Response:** It is considered that the latest design proposals now achieve the necessary separation distances between the existing and proposed properties without having an unacceptable impact on sunlight or privacy, in accordance with policy LP24 clause b of the Local Plan.



- Proposed two storey house will have an adverse impact on the residential amenity of the bungalow properties of Bedale Drive.

**Response:** This matter is dealt with under paragraph 10.18 of the committee report.

- Impact on extensive country views

**Response:** The loss of a view is not a material planning consideration

- The proposed landscaping and garages will impact on natural light for properties on Huddersfield Road, particularly ground floor habitable room windows. The proposed plans do not show an existing property's conservatory that will be adversely affected.

**Response:** The proposal has been redesigned, with the loss of one dwelling house to achieve acceptable separation distances (as shown on the layout plan) between the proposed dwellings and the existing dwellings on Huddersfield Road. It is considered that the proposed single storey garage block for plots 113 and 114 would not have an adverse impact on residential amenity. A landscaping condition could ensure that a suitable boundary landscape treatment is achieved. There is a conservatory at 69 Huddersfield Road that has not been illustrated in the latest design proposals, however, as the conservatory is located very close to the boundary edge there is little by way of mitigation that will ensure that its privacy is fully preserved. Furthermore, officers still believe that plot 114 is appropriately sited to not have an unacceptable impact on residential amenity. Overall, it is considered that the scheme would achieve a good level of residential amenity.

#### Planning obligations

10.77 Planning obligations, that would need to be secured by a Section 106 agreement, would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted. In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10.78 For clarity and completeness, should this application be approved the following contributions would be secured through a section 106 agreement, which are all considered to be policy compliant

#### *Affordable Housing*

38 plots to be affordable (20%), of which:

17 plots 'affordable rented' (45%)

21 plots 'shared ownership' (55%)

#### *Education*

Primary Provision – Skelmanthorpe Academy = £284, 761.00

Secondary Provision – Scissett Middle School = £235, 809.00

Total = £520,570.00

#### *Highways*

Residential Travel Fund - £95,095.00

Travel Plan Monitoring Fee Total – £10,000 (£2,000.00 per annum for 5 years)

### *Public Open Space and Landscape*

Off-site commuted sum - £194,481.00

Management company to manage and maintain onsite landscape areas and offsite landscaping to the western boundary.

### *Flood Risk and Drainage*

Management company for necessary drainage maintenance and management prior to adoption

Off site contribution towards upgrading off-site drainage works - £20,000

### Other Matters

#### *Employment Opportunities*

- 10.79 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. 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. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.

#### *Minerals Safeguarding*

- 10.80 The site falls within a Minerals Safeguarding Area for SCR with sandstone and/or clay and shale. The applicant has submitted supporting information, prepared by Sirius Geotechnical (dated 21<sup>st</sup> June 2019, reference PE1004) that demonstrates how the proposal would accord with policies LP36 (Proposals for minerals extraction) and LP38 (Minerals safeguarding). In essence, due to the site's proximity to existing residential areas to the east would mean that any extraction would be unsuitable due to the potential harm to existing residential amenity. Furthermore, the applicant argues that as the site has been allocated for housing, hence in line with clause c of policy LP38 there is an overriding need for the development in meeting the identified housing needs in the district. Officers agree with these conclusions.

#### *Coal Risk*

- 10.81 The application site falls within the defined Development High Risk Area. Thus, the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. However, this is not a reason for refusal of this planning application. The applicant has submitted a Geoenvironmental Appraisal, prepared by Sirius Geotechnical (dated May 2019, reference C7844 RevB) which has been reviewed by the Coal Authority. The appraisal and intrusive site investigation has identified an intact coal seam across the northern area of the site that may have been partly worked on, below the site. The ground investigation has confirmed that sufficient rock cover exists above the seam across the majority of the site. The Coal Authority consider that there may be insufficient cover within the northeastern extent of the site, which is topographically lower than elsewhere, although current proposals assume that this area will remain in use as undeveloped POS. Based on these assumptions, the coal seam is considered to pose a low risk to surface stability, requiring no

further works / consideration. The Coal Authority therefore has no objection to the proposed development.

#### *Climate Change*

- 10.82 Chapter 12 of the Local Plan relates to climate change and states that: “Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore improvements to the landscape and inclusion of electric vehicle charging points contributes positively to the aims of climate change.

#### *Human Rights*

- 10.83 Officers consider the implementation of the proposed development would not be contrary to the Human Rights Act 1998, as stated within Committee Agenda Annex.

#### *Crime Prevention*

- 10.84 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments, which have mostly been incorporated into the latest design proposals. All of the comments made are advisory and have been referred to the applicant. Subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).

#### *Education*

- 10.85 At the request from members of the strategic planning committee, further clarification was sought from the KC Education in relation to school capacity and catchment areas, particularly for St Aidan’s Church of England (CE) Academy.
- 10.86 As such, colleagues from KC Education have been consulted and have provided the following explanation.
- 10.87 St Aidan’s CE Academy does not have a specific catchment area (known as a Priority Admission Area) due to historic reasons and is a voluntary aided school with its own admission criteria. This does not exclude St Aidan’s CE Academy from investment relating to the basic need for additional school places as developer contributions are only one part of the available resources to address gaps in the basic need for school places, where they exist.

- 10.88 The publication, Securing Sufficient High Quality Learning and Childcare Places 2018-21, provides the evidence base to determine the need for the provision of additional school places. This publication supports policy LP49 of the Kirklees Local Plan. Furthermore, the council's school place planning processes was scrutinised and accepted as part of the Local Plan inspection.
- 10.89 The publication clearly states that "The process for allocating available developer contributions starts with the identification of a basic need for additional places. Options to address this need are then explored with local schools. Only after this are decisions made about how a scheme will be funded. Developer contributions are not usually used for any other purpose than addressing the basic need for school places."
- 10.90 Information about the capacity of all schools, the many factors which contribute to the future demand for school places and the school planning area basis are contained in the publication.
- 10.91 For all major residential development planning applications, the council uses a formula from the 'Policy and Guidance: Providing for Education needs generated by new housing' to determine the necessary financial contributions to be secured by section 106 agreement. Officers consider there to be no exceptions to this policy and no additional evidence has been provided to justify why this planning application should be treated differently. As such, a formula of 3 primary school places and 2 secondary school places per year group per 100 homes is used as an indicator of demand from housing developments. In this case that would be approximately 6 primary school places and 4 secondary school places per year group. However, such an increase in demand generally comes over a number of years.
- 10.92 Therefore, when assessed against the council's policy framework, there is no requirement for the council to seek additional financial contributions in relation to education facilities. Moreover, it is considered that the requested financial contributions satisfy the statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. Subsequently, they are considered to be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

## **11.0 CONCLUSION**

- 11.1 The application site is allocated for housing in the Local Plan, and the principle of residential development at this site is considered acceptable.
- 11.2 The impacts on local infrastructure have been assessed, and the impacts are considered acceptable, subject to conditions and the signing of the section 106 agreement. The density and layout are satisfactory taking into account the on-site constraints and nature of the surrounding area. Landscaping details are acceptable and the opportunity to deliver biodiversity enhancement is also achieved. It is considered that the design of the development is appropriate for

this setting and that the proposal would not have a significant adverse impact on local amenity, highway safety or local flood risk.

- 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 and the signing of the section 106 agreement 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 Strategic Investment)**

1. Three years to commence development
2. Approved plans and documents
3. Building materials
4. Landscaping
5. Protection of trees
6. Time limitations regarding the removal of vegetation
7. Lighting design strategy
8. Landscape and Ecological Management Plan
9. Land contamination
10. Construction Method Statement
11. Drainage maintenance and management
12. Flood risk and drainage
13. Electric vehicle charging points
14. Construction access and management plan
15. Internal adoptable estate roads
16. Areas to be surfaced and drained
17. Boundary treatments
18. Temporary surface water drainage for the construction phase
19. Crime Prevention
20. Waste storage and collection
21. Removal of Permitted Development Rights

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90151>

Certificate of Ownership – Notice served