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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 16-May-2024**

**Subject: Planning Application 2023/93503 Outline application for residential development of 82 dwellings and associated works, with layout and access as considerations Land off, Roslyn Avenue, Netherton, Huddersfield, HD4 7EW**

**APPLICANT**

Richard Morton, KCS  
Development Ltd

**DATE VALID**

12-Dec-2023

**TARGET DATE**

12-Mar-2024

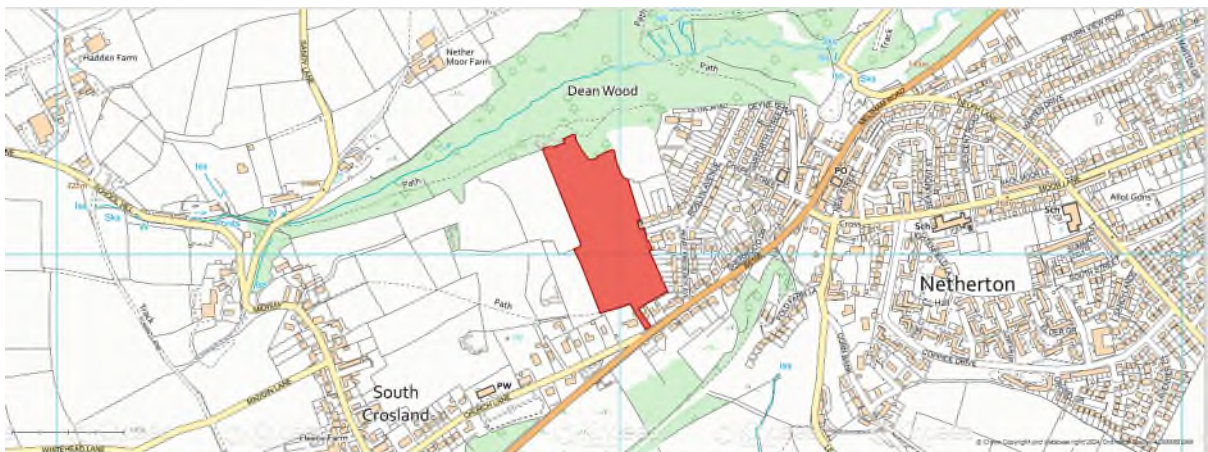
**EXTENSION EXPIRY DATE**

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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.

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected:** Crosland Moor and Netherton Ward

**Ward Councillors consulted:** Yes

**Public or private:** Public

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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:

**Affordable Housing:** 16 units (20%) to consist of 9 Affordable Rent (55%) and 7 Intermediate Dwellings (45%), including 4 First Homes (25%).

**Public Open space:** Delivery of the on-site Public Open Space, a £1,000 inspection fee, and an off-site contribution to local Public Open space of £74,695.

**Education:** £134,748 towards education requirements arising from the development

**Sustainable travel:** £72,943 towards Sustainable Travel measures (including £41,943 for sustainable travel fund (such as metrocards), £21,000 towards bus stop improvements (on Meltham Road), and £10,000 towards travel plan monitoring).

**Management and maintenance:** Management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by Yorkshire Water), and Biodiversity Net Gain measures for a minimum of 30 years.

**Footpath:** Maintenance of public access to footpath along diverted claimed footpath route in perpetuity.

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 This is an application for outline planning permission, with layout and access as considerations, for a residential development of 82 dwellings.
- 1.2 This application is brought to the Strategic Planning Committee in accordance with the Delegation Agreement, due to a significant number of public representations being received that are opposed to the officers' recommendation.

- 2.1 The application site has an area of circa 3.51ha and is roughly rectangular in shape. The site is approximately 4km to the south-west of Huddersfield town centre and 2.8km east of Meltham centre.
- 2.2 The site is on the edge of Netherton, with predominantly residential development to the east and south along with the Beaumont Arms public house to the south. To the north is Dean Wood. Dean Wood includes an area of ancient woodland, which forms the site's north-west boundary. The ancient woodland is also protected by a Tree Preservation Order (HU1/49/w10). The woodland on the north-east boundary is not ancient woodland, nor falls within the TPO. To the north-east also is a council owned playing pitch. To the west of the site is open Green Belt land which is separated from the site by a low dry-stone wall and broken hedgerow with occasional small trees.
- 2.3 The site consists of a single large grassland field. Topography falls from north to south. A field gate on the east boundary leads onto Roslyn Avenue. Public Right of Way (PROW) HUD/228/10 runs through the south of the site, adjacent to the southern boundary. The PROW leads into the adjacent Green Belt land and connects Henry Frederik Avenue, to the east of the site, to South Crosland, to the west.
- 2.4 The application site also includes the curtilage of no. 404 Meltham Road (an area of 0.04ha). This is to allow the routing of surface water drainage, via gravity, to the combined sewer on Meltham road.

### **3.0 PROPOSAL**

- 3.1 Outline permission is sought for the residential development of 80 units. The application includes the considerations of access and layout. Other matters (namely appearance, landscaping, and scale) are reserved for later consideration.
- 3.2 The proposal also includes a schedule of accommodation that is for consideration as part of this application. The following housing mixture is proposed:
- **1 and 2 bed:** 39 units (48%)
  - **3bed:** 29 units (35%)
  - **4bed+:** 14 units (17%)
- 3.3 Dwellings would be a mixture of terraced, semi-detached, and detached units, each with off-road parking, gardens, and some hosting garages. A block of six 1bed apartments is also proposed. Unit heights, designs, and materials fall under the reserved matters (scale / appearance) although drawings that feature indicative elevations, principally to demonstrate the site's levels, have been provided. These indicative details show two storey dwellings with typical modern Pennine vernacular designs.
- 3.4 Retaining walls would be necessary throughout the site although level details are currently indicative. These are typically identified as being between up to 0.5m to 2.0m, however two sections of wall between 2.0m – 3.0m are proposed. Levels would be fully assessed as part of the reserved matters of landscape and scale.

- 3.5 Vehicular access into the site would be via Roslyn Avenue (replacing the existing field gate). The new estate road would consist of a central looped section with branching cul-de-sacs. The streets would be tree lined.
- 3.6 A surfaced footpath is proposed to accommodate the route of PROW HUD/228/10. Furthermore, footpaths would be provided through the southern area of POS for access, connecting the new road to the PROW. Footpaths are also proposed to the north, into Dead Wood, and north-east, into the adjacent council owned open space (terminating at the site boundary).
- 3.7 Landscaping is a reserved matter, however within the remit of layout and therefore part of this application, areas to be kept open are shown (with specifics, such as the type of planting and treatment of the open spaces forming the reserved matter of 'landscaping'). This includes an area of open space to the north (doubling as a buffer zone from Dean Wood's section of ancient woodland) and the southern portion of the site which would host open space, a play area, and the attenuation tank. A landscaped buffer zone would also be present along the west boundary of the site.

#### **4.0 RELEVANT PLANNING HISTORY**

##### **4.1 Application Site**

The application site has no planning history.

##### **4.2 Surrounding Area**

*Dean Wood, Nethermoor Road*

2024/90068: Dead or Dangerous Tree(s) to TPO HU1/49 – Noted

*former railway goods yard, adj, Fold Farm, Netherton Fold*

2019/92361: Erection of 19 dwellings – Granted

2021/94065: Variation condition 2 (plans) on previous permission 2019/92361 for erection of 19 dwellings – Granted

2021/94606: Variation condition 2 (plans and specification) on previous permission 2019/92361 for erection of 19 dwellings – Granted

2022/92365: Variation condition 2 (plans) on previous permission 2019/92361 for Erection of 19 dwellings – Granted

*400, Meltham Road*

2021/91797: Erection of detached garden room & store – Granted

##### **4.3 Enforcement History**

None on site nor any relevant within the area.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 A pre-application enquiry referenced 2018/20213 was submitted by Redrow in May 2018 (with Johnson Mowat as agent). The pre-application sought feedback and advice from the LPA on a proposal for 72 dwellings. The pre-application pre-dated the adoption of the Kirklees Local Plan (Feb 2019), but was submitted while the Kirklees Draft Local Plan was at an advanced stage.
- 5.2 Officers advised that, upon adoption of the Local Plan (assuming no material changes), the principle of residential development on a housing allocation would be acceptable. However various technical issues were raised for consideration, including the need to retain the southern PROW, the woodland to the north, and issues regarding drainage. Subsequently Redrow did not progress with the site.
- 5.3 A second pre-application enquiry, referenced 2023/20431, was submitted by the current applicant (KCS Development) in April 2023 (with Johnson Mowat again as agent). The pre-application also sought feedback on a proposal for 72 dwellings. The layout of the pre-application enquiry was largely similar to that of the current application, although notable differences were evident in the northern portion of the site (adjacent to the woodland).
- 5.4 In response to the pre-application enquiry, officers expressed concerns that the density of the proposal was too low and that the housing mixture lacked 1- and 2-bed dwellings. Therefore, it was considered that the pre-application proposal would not make an effective and efficient use of the housing allocation and it was advised that a higher density and more appropriate mixture be sought. In terms of other material considerations, officers provided commentary on various considerations. On these matters no prohibitive issues were identified, although advice was offered to ensure compliance with relevant policies.
- 5.5 The current application was received in November 2023. Officers were pleased to see that many aspects of the pre-application advice offered to the applicant had been considered and implemented into the updated proposal. This included a higher density and an increase in 1 and 2-bed units, along with layout amendments. However, through a detailed review, the formal consultation process, and public representation, it was evident certain concerns and technical matters remained to be addressed. This included, but was not limited to, continued refinement to the layout and access arrangements, and progressing technical matters relating to highways and drainage. Negotiations on securing a policy compliant S106 package were also undertaken.

## **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) and Supplementary Planning Guidance / Documents

6.2 The application site comprises all of Housing Allocation HS18 within the Kirklees Local Plan. Allocation HS18 has an indicative housing capacity of 132 dwellings and a gross area of 3.53ha. The application site also includes 0.04ha of unallocated land, this being the land associated with no. 404 Meltham Road (for drainage purposes).

6.3 Site allocation HS18 identifies the following constraints relevant to the site:

- Potentially contaminated land
- Site is in an area that affects the setting of Castle Hill
- Deanwood Local Wildlife Site lies to the north of the site

6.4 Site allocation HS18 identifies the following “Other site-specific considerations”:

- Access to be gained from Roslyn Avenue.
- A minimum of 20m buffer will be required to the north of the site due to the proximity of Deanwood Local Wildlife Site.
- Where the site is steeper soakaways may not be advisable.

6.5 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban green space
- **LP63** – New open space
- **LP65** – Housing allocations

6.6 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

*Supplementary Planning Documents*

- Affordable Housing and Housing Mix SPD (2023)
- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)

- Open Space SPD (2021)

#### *Guidance documents*

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

#### National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

#### Climate change

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

6.10 On the 12<sup>th</sup> of November 2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **7.0 PUBLIC/LOCAL RESPONSE**

### *The applicant's statement of community involvement*

7.1 The application is supported by a Statement of Community Involvement (SCI) which outlines the public engagement the applicant undertook prior to their submission to the LPA. The following is a summary of the engagement undertaken:

- Ward members notified in September 2023 that KCS were looking to progress work on the site.
- A consultation letter containing the details of the proposed application and site plan was delivered to 368 properties in close proximity to the application site in November 2023. The letter provided a copy of the site layout plan and detailed information on the proposals for the site. The leaflet encouraged any comments regarding the proposed design and layout of the proposals to be submitted directly to KCS Development (via email or post). An electronic copy of the letter and proposed site layout was sent to Ward Councillors to make them aware of the consultation being undertaken and again allow for an opportunity to provide any comments or queries which they have.

7.2 In response to the public consultation undertaken, the applicant received nine responses (and five requests for more details that did not offer an opinion). One representation was in support of the proposal, with the others raising the following concerns:

- Ecology
- Flood Risk and Drainage
- Highways
- Open Space
- Housing Mix
- Capacity of local facilities is inadequate, inc. schools and doctors.

All responses were considered by the applicant and received a direct response to queries raised.

### *Public representation*

7.3 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.



7.4 The end date for public comments was 01.02.2024. In total 96 public comments were received. The following is a summary of the comments made:

### Highways

- There is a well-used route through the site, running along its east boundary from south to north, connecting the site's southern PROW to the ancient woodland. While the route itself is not a PROW (although some claim it is) it is valuable to local residents for access to the woodland and should be preserved.
- The applicant's trip generation figures are inaccurate due to there being a high number of bungalows in the area (which are presumed to be occupied by more elderly and less children) and because the distance to nearest High School being greater than average and therefore more car journeys to drop off children are likely.
- The applicant's highway surveys were undertaken on a single, mid-week day. This is inadequate.
- The local road network, all the way to Lockwood, is oversaturated with vehicles. Constraints, such as the viaducts, prevent the issues being easily resolved. This leads to long queues along Meltham Road, but also nearby roads such as Blackmoorfoot Road. More traffic, particularly cumulative with other developments in the area, will exacerbate these issues.
- Meltham Road is very busy at rush hour, either requiring long queues or taking a 'rat run' through South Crosland. The area cannot accommodate the additional vehicle movements associated with the development.
- There are schools in the area and the Henry Frederick Avenue and Meltham Road junction is crossed by children: traffic lights should be provided to make crossing safer.
- The submission does not accurately represent the typical parking and congestion on Henry Frederick Avenue, which is far busier than indicated. The road is often down to a single lane, due to residents and attendees to the Beaumont Arms, and more traffic in the area will cause safety issues. The road is used by busses and may be inaccessible to emergency vehicles due to parked cars and traffic. The road also has many potholes. Chapel Street, the other potential route to the site, has similar issues to Henry Frederick Avenue.
- Henry Frederick Avenue cannot accommodate the HGV movements that would be needed during construction. Construction will also damage the road; how will this be avoided?
- A single point of access into the site is inadequate. If the road is blocked (such as a broken-down car), how will residents enter / leave or emergency services access the site?
- PROW HUD/228/10, which runs along the site's south and connects to Henry Frederick Avenue. It appears to be intended as a primary route into the site. It currently cannot be accessed by less mobile individuals, is narrow, and at risk of crime. It should be improved.
- The pavements along Henry Frederick Street are mossy and not suitable for access into the site.
- There are insufficient visitor parking spaces.
- How will access to nearby cycle routes be provided and the PROW should be upgraded to a bridleway.

### Amenity and design

- The field is an important open space used by the community, used for physical and mental well-being as well as dog walking.
- The proposal would erode the separation between settlements and the established character of Netherpton as a village.
- The proposed layout is cramped and unattractive.
- The proposal will cause overlooking, overbearing, and overshadowing of neighbouring properties.

### Ecology and Trees

- The proposal will cause light and air pollution that will harm the ancient woodland as a habitat.
- The buffer zone to the ancient woodland is inadequate to protect the trees and the habitat. Roots will be affected and drainage into the woodland harmed. Inadequate consideration and mitigation have been given, nor enhancement works.
- The ancient woodland is also protected by a Tree Preservation Order which further prevents harm to the trees.
- Flytipping into the woodland will be caused by new residents.
- Insufficient surveys have been undertaken, and the proposal fails to accommodate natural corridors.
- The field is home to various animals and plants. Its removal via development will harm local species and the biodiversity of the wider area.
- The proposal will harm the ancient woodland.
- Inadequate details on ecological mitigation and enhancements have been provided for the application to be considered. Specific details should be secured prior to determination and conditioned.

### Drainage and flood risk

- Inadequate consideration has been given to flood risk and drainage. The site is steep and water will pour downhill into existing houses. The proposal fails to consider climate change / global warming impacts. The proposal will result in the flooding of neighbouring properties and roads.
- The local sewers are unable to take more water. They fail annually and often overflow via manholes on the road. Adding more water into them will result in flooding.
- The assessment focuses narrowly on the site, with minimal consideration of regional drainage and flood risk implications. A more comprehensive study is necessary to fully understand and mitigate the potential risks associated with this development.
- If this application is approved the Council should be liable to any damage caused from flooding (or other) to nearby dwellings.
- Concerns over the siting of the proposed attenuation tank and the safety impacts it may cause due to proximity to neighbouring properties.
- The proposal includes a huge septic tank which will smell and the pumping station will make noise.
- The proposal includes a drainage pipe connecting to Meltham Road. There are concerns that this pipe may leak or cause subsidence to nearby properties.

## Other

- Concerns that the application was not advertised for an adequate period of time.
- Concerns over disruption during the construction process.
- The field has been used by the air ambulance in the past, an opportunity which will be lost.
- The proposal does not include enough affordable homes as 20% of 82 is 16.4. Also, there are too many 3 and 4bed units. Smaller units are needed.
- Development should be focused around Huddersfield / Dewsbury and their train stations, to improve connections to Leeds / Manchester.
- The land is used for agriculture that produces food and jobs.
- The proposal does not include enough Public Open Space compared to other nearby developments. Also, the POS will be on steep land.
- The proposal does not include electric vehicle charging points or solar panels.
- The ground is contaminated by radon, which risks the health of future residents and those in the area.
- Questions whether the POS areas and play park will be accessible by all, or just residents. It is also unclear who will be responsible for its management and maintenance.
- Woodfield Park is cited in the proposal as being a local amenity: this is incorrect, it is private land with no automatic public right of access.
- Nearby schools are beyond a reasonable walking distance with no bus service towards them. This will either force more vehicles on the road with parents driving students, or students walking on unfit paths / routes towards the schools.
- Local services are at (or are near) capacity. This includes nearby schools, dentists, and doctors.
- The proposal should contribute towards the constriction of the next phase of the Meltham Greenway.
- There is no demand in the area for houses, with houses on Rightmove being lowered in price. Consideration should be given to cumulative impacts to development taking place elsewhere in Netherton.
- Brownfield development and vacant homes should be prioritised over greenfield.
- Additional traffic in the area will cause air pollution.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways: No objection following receipt of further details that were requested subject to conditions and a S106 agreement relating sustainable travel contributions and retention of footpaths being open to the public.

K.C. Lead Local Flood Authority: No objection following receipt of further details that were requested subject to conditions and a S106 agreement relating to management and maintenance of drainage infrastructure.

## 8.2 Non-statutory

K.C. Conservation and Design: No objection to the principle of the development, nor the submitted details pursuant to layout or access, particularly in regards to impacts on local heritage assets and Castle Hill. Further consideration on appropriate design would however be needed at the Reserved Matters stage (scale, appearance, and landscape).

K.C. Crime Prevention: No objection subject to conditions relating to crime mitigation measures at Reserved Matters stage.

K.C. Ecology: No objection subject to conditions and a S106 agreement relating to management and maintenance of habitat areas.

K.C. Environmental Health: No objection to the proposal, subject to conditions relating to various environmental health matters, including contamination, air quality, and noise pollution.

K.C. Waste: No objection subject to conditions.

K.C. Landscape: Advice offered. While some concerns have been raised, given that Landscape is a reserved matter, not all details may be sought at this time. Amendments have been made, where necessary, to demonstrate that suitable landscaping arrangements may be brought forward at Reserved Matters stage.

K.C. Public Health: Initial concerns were expressed; however further details were provided in response. Public Health considered these to be acceptable and offered no objection to the proposal and requested no conditions.

Yorkshire Water: No objection subject to conditions.

West Yorkshire Archaeological Advice Service (WYAAS): On receipt of further details, no objection subject to condition.

Natural England: No comments received.

The Forestry Commission: No comments received.

## 9.0 MAIN ISSUES

- Principle of development
- Sustainable development and climate change
- Urban design
- Residential amenity
- Highway
- Drainage and flood risk
- Impact on the Ancient Woodland and Ecology
- Planning obligations
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

*The council's five-year housing land supply and the land allocation (housing allocation)*

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).
- 10.3 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

*"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 10.4 The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.
- 10.5 The site falls within a housing allocation, reference HS18, within the Kirklees Local Plan Allocations and Designations document (2019). Therefore, LP65 is applicable and states:

*The sites listed below [the housing allocations] are allocated for housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.*

As a policy ‘most important for determining the application’, LP65 should be considered against paragraph 11 of the NPPF and, in light of the council’s lack of a five-year housing land supply, is therefore deemed ‘out of date’. Thus, the presumption in favour of sustainable development is activated in the consideration of this application.

*The quantum of development*

- 10.6 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council’s Affordable Housing and Housing Mix SPD (March 2023).
- 10.7 Having due regard to the site’s various constraints, including requiring a buffer zone to the ancient woodland, the retention of PROW HUD/228/10, and landscaping to the Green Belt’s boundary, the site has a net developable area of 2.83ha. The proposal for 82 dwellings therefore has a development density of 29dph. This is broadly in line with the Local Plan’s expectation for 35dph and is deemed appropriate for the site, giving regard to its topography, proximity to the Green Belt, and being a new edge to the settlement of Netherton.
- 10.8 Progressing to the housing mixture, LP11 seeks that proposals provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council’s Affordable Housing and Housing Mix SPD (March 2023). While scale and appearance are reserved matters, a housing schedule that details the proposal’s unit types and sizes have been provided for consideration now. The below is the SPD expectation for market units against that proposed. Note that this excludes the proposal’s affordable housing provision, which is considered separately in paragraph 10.107:

	<b>SPD Expected Mixture (Huddersfield South)</b>	<b>Proposed Market Mixture</b>
<b>1 and 2beds</b>	30 – 60%	27 units (42.5%)
<b>3beds</b>	25 – 45%	25 units (37.5%)
<b>4beds +</b>	15 – 35%	13 units (20%)

The proposal’s housing mixture (for market units) comfortably falls within the expectations of the SPD. Furthermore, the proposal includes a reasonable mixture of detached, semi-detached, and terraced units, as well as two bungalows and six apartments. This represents a diverse and attractive offer of varied housing which is welcomed.

10.9 To summarise, the site is a housing allocation in the Local Plan, with the proposal is considered to represent an effective and efficient use of the allocated site, in accordance with relevant planning policy. The proposal would aid in the delivery of housing to meet the Council's targets at a time of need. Therefore, the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

#### Sustainable development and climate change

10.10 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

10.11 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

10.12 The application is supported by a Climate Change Statement. It noted that the application is at outline stage, with many elements of climate mitigation being relevant to the appearance and specific design of dwellings. Nonetheless, at this time, the applicant notes the following aspects of the proposal:

- Sustainable and best practice construction techniques will be utilised, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems. The Applicant intends to use local labour during the construction works.
- Design of dwellings to ensure habitable rooms allow sufficient natural light into the room and all dwellings will have access to private gardens and garden areas will be fully accessible for disabled occupants, where possible.
- Implementation of robust procedures to minimise construction waste including measures to share soil and aggregate waste and reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.
- Provision of onsite POS and pedestrian and cycle provision and links to ensure delivery of easily accessible and high-quality amenity areas and greenspace and promote healthy communities and active travel.
- A Travel Plan to be adopted to promote sustainable modes of travel.
- The applicants are dedicated to taking proactive measures to reduce the consumption of energy and natural resources and thus helping mitigate climate change. In order to do this, various measures are implemented in the fabric specification of buildings and construction methods.

- 10.13 Regarding the social infrastructure currently provided and available in Netherton (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this 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 GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and ageing population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.
- 10.14 Subject to further details that would be submitted at Reserved Matters stage it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to local facilities, and the measures related to transport that can be put in place by developers. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

#### Urban Design

- 10.15 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide.
- 10.16 The site is an undeveloped greenfield site historically used for agriculture which is visually attractive, with views into the site achievable from near and far vistas. Historically the site was within the Green Belt but was removed as part of the Local Plan. In allocating the site through the Local Plan process, careful consideration was given to the loss of these attributes, and to the wider visual and landscape impacts of development at this site. In commenting about the site's removal from the Green Belt, the Inspector stated:

*the site is well contained by built development and field boundaries. Development would not extend any further west than existing housing on Church Lane, and would be seen in this context. Although the development would narrow the gap between Netherton and South Crosland, a clear physical gap would remain, and strong new defensible Green Belt boundaries could be provided by existing trees and field boundaries.*

- 10.17 While principally relating to Green Belt loss, the inspector's comments establish context for the visual impact of developing the site. The site is on the edge of the urban environment, transitioning into an open rural setting with good opportunities for a strong and defensible Green Belt boundary. Nonetheless, as a sloped site on a valley side the development would be visible from short- and long-distance vistas. Inevitably, the development of the site from greenfield to a residential estate would be transformative and would have impacts upon the appearance of the environment; therefore, a carefully-considered design is required.



- 10.18 The application is in outline, with only layout and access as considerations. The matters of appearance, scale, and landscaping are reserved for a subsequent Reserved Matters application. While specific details are not available for consideration, officers must consider whether any prohibitive reasons exist why appropriate details could not be provided later.
- 10.19 First considering layout, which is a material consideration for this application, Local Plan policy LP24 states that a proposal's layout should respect and enhance the character of the townscape, heritage assets and landscape.
- 10.20 Netherton has varied character areas which gives the settlement no dominant architectural features. It has a patchwork of development from different eras and hosts a varied mixture of detached, semi-detached, and terraced units. However, typical traits include the use of stone and is a high-density layout, with dwellings fitting to the challenging topography, although dwellings cutting across contours is not uncommon. Heights are predominantly two storeys, with bungalows evident and no prominent examples of three-storey buildings. Dwellings predominantly have a typical relationship with the highway, fronting onto it, although examples of private drives with units set away from the highway are evident. The proposed development would be most closely related to the western portion of Netherton (which is separated from the rest of the settlement by Meltham Road) which epitomises these aspects of the larger settlement.
- 10.21 The proposed development would consist of a typical modern estate road, with a primary central loop with branching cul-de-sacs and private drives. The new dwellings would be arranged around this network in a standard fashion and would be well-spaced in relation to space about dwellings, both within the site and to neighbouring properties.
- 10.22 The submitted details of layout include house types. This is considered in terms of size mix (i.e., no of beds) and local need in paragraph 10.8. In terms of form, the units would be a mixture of terraced, semi-detached and detached, across eight house types, including two bungalows, as well as one block of six apartments. As noted, the area has a mixture of house forms that are mixed into each other, which the proposal would replicate so as not to appear incongruous. While the area is predominantly made of dwellinghouses, the apartment block would not be unduly prominent in its location and is not expected to be incongruous in its setting. Final design details would be provided at reserved matters stage, but officers are satisfied the site can accommodate the proposed modest divergent form of dwelling.
- 10.23 The northern and southern sections of the development follow the contours of the land, which is welcomed. The central section partly cuts across the contours, however this is necessitated by the narrowness of the site: to attempt to perfectly follow the contours in this portion of the site would necessitate numerous branching roads that would be an inefficient use of land and likely to be unattractive. As noted above, crossing contours is not atypical for the area and is not deemed a fundamental cause for concern over the proposed layout, although this matter will need to be considered further at reserved matters stage to ensure a suitable design response (scale, appearance, and landscape).

- 10.24 Parking spaces would be an appropriate mix of to the front and to the side of units, with most units having some form of front garden, preventing overly dominant hard surfacing to the front of units. An attractive use of street trees is shown indicatively, with adequate space allows for to ensure they may be delivered, although full details of such landscaping would be submitted at landscape stage. The location of the main POS to the south makes the best use of the site's topography and restrictions, while also avoiding placing dwellings in the area adjacent to most third-party dwelling. A landscape buffer area has been provided along the western boundary, with dwellings also set back. This is an attractive transition which, along with anticipated tree-planting and confirmation of boundary details (to be confirmed at Reserved Matters) would make for a strong defensible boundary to the adjacent Green Belt. Likewise, the northern buffer zone to the ancient woodland will result in a transition that contributes to the attractiveness of the development.
- 10.25 Overall, the submitted layout is considered acceptable from a design perspective. Netherton has varied design elements, however as noted previously, certain consistent design fundamentals that the proposal would respect. The proposed layout would enable the development to harmonise into the existing environment, respecting both the existing built and natural landscape.
- 10.26 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. However, indicative elevations (within the indicative section plan) have been provided. Existing dwellings in the area have varied designs and are from different eras, although are typically based upon traditional Pennine architecture. The indicative designs include modern Pennine vernacular dwellings that are expected to harmonise well into the patchwork of Netherton. As such there are no concerns that attractive designs for the dwellings and external areas which harmonise with the area could not be achieved as part of a subsequent Reserved Matters submission, although a full and detailed assessment would be required at that time.
- 10.27 Considering the development's landscaping, full specifications (i.e., planting specifications and boundary treatments) would be provided at the reserved matters stage. However, officers welcome that substantial portions of the site have been set aside as Public Open Space and would contribute to an attractive natural environment through the development. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage (landscape). The proposed access road has been designed with street trees in mind, the provision of which is expected at Reserved Matters (landscape) stage.
- 10.28 Summarising the assessment of urban design, it is acknowledged that the proposed works would notably change the character and appearance of the site and wider area, while being visible from long vistas within the valley and the opposite valley side. Nonetheless, while an outline proposal with only layout as a consideration, the details provided for consideration at this stage are considered to be designed to a high standard. There are no concerns that adequate details relating to the scale, appearance, and landscaping or the proposal could not be provided at Reserved Matters stage. The proposal would represent an attractive continuation of the site's residential context,

while appropriately transitioning to the rural landscape to the east. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the Kirklees Local Plan.

### *Historic Environment*

- 10.29 Policy LP35 confirms that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm. Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty in respect of listed buildings and conservations in exercising planning functions. In considering whether to grant planning permission for development which affects a heritage asset or it's setting the LPA should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
- 10.30 There are forty-nine listed buildings within 1km of the Proposed Development Area, however the vast majority of these would be precluded from being impacted upon by the development by virtue of distance, topography, and existing built development. To the south-west of the site, along Church Lane, is a small group of Grade II listed buildings: the vicarage, school and Holy Trinity Church, the roofline of which would be visible from the site. The heritage value of these buildings is considered to be their architectural form, being quality examples of 19th century design.
- 10.31 To the north and west is open land, with fields and open space leading towards the South Crosland Conservation Area circa 250m from the site. The South Crosland Conservation Area does not have an area appraisal; however, its heritage significance is deemed to come from its traditional architecture and setting as a rural settlement.
- 10.32 Based on the information submitted, the layout of the development will not harm the setting of the South Crosland Conservation Area due to the distance from it and the topography between them. The indicative site layout shows a small landscape buffer at the western edge of the site which is welcomed, with the existing dry-stone walls retained and made good. The site is visually severed from the Conservation area due to previous development and mature trees between the two areas. The impact on the nearby listed buildings (the school, church and vicarage) is also low due to the topography, mature trees obscuring the church, and a landscape buffer to the west and south of the proposal site.
- 10.33 Considering the above, the proposal would have a neutral impact upon the identified heritage assets (listed buildings and conservation area) and no concerns are raised.
- 10.34 In the distance (circa 3.3km) to the north-east is Castle Hill, a Scheduled Monument with the Grade II listed Victoria Tower built on the plateau. The proposal site is within the Castle Hill Setting Study area as identified in the Local Plan allocation, which requires a heritage impact assessment to be produced to assess the impact of the development on the setting of Castle Hill. This document has been provided as part of this outline application for 82 dwellings.

- 10.35 As Castle Hill is such a prominent feature within the landscape, it is visible from afar and therefore any modern development being introduced into its environs will have a slight impact on its setting. However, it is a considerable distance away and there is extensive existing urban development between the application site and the scheduled monument. Based on the available information (layout), the proposed development is not expected to be unduly prominent from any significant view towards the monument, nor would the development dominate views out from the monument. Therefore, officers are satisfied that the impact would be negligible. A well-designed scheme with the proposed layout and submitted indicative building design, scale and landscape details, will ensure that the development respects the surrounding built environment and blends into the landscape, thereby minimising any impact on this setting.
- 10.36 The above assessment is, however, based on the available information. Specifically, this proposal is an outline submission with only layout and access for consideration. While there are no fundamental concerns that the reserved matters of appearance, scale, and landscaping would inevitably prejudice the significance of the identified heritage assets, it cannot be ruled out: a condition for an updated Heritage Impact Assessment, to support a reserved matters application for the details of scale, appearance, and landscaping, is therefore considered necessary.
- 10.37 The site has been identified as being of potential archaeological interest by West Yorkshire Archaeological Advice Service (WYAAS) and a pre-determination archaeological survey undertaken. This identified that most of the site hosts no areas of interest, although one area of interest was identified in the south-east corner. WYAAS are satisfied that this should not preclude determination of the application, subject to the imposition of a condition requiring a programme of archaeological works to investigate and record any archaeological remains disturbed, which officers agree to.
- 10.38 In summary, due regard has been given to the heritage significance of nearby heritage assets. Based on the available details at this outline stage, officers are satisfied that the development would have a neutral impact on all identified heritage assets. Giving due regard to Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 and the general duty it imposes in respect of listed buildings, the requirements of Chapter 16 of the NPPF, and LP35 of the Kirklees Local Plan, officers are satisfied that the proposal complies with these policies.

#### Residential Amenity

- 10.39 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.40 Neighbouring properties border the site to the east, on Roslyn Avenue and Henry Frederik Avenue, and south, on Meltham Road. Existing dwellings mostly back onto the site, although those on Roslyn are side-on.

- 10.41 Given that scale and appearance are reserved matters, full details of the proposals are not under consideration at this time. Scale and appearance dictate the height and window locations of dwellings, which are necessary to fully assess matters such as overbearing, overshadowing, and overlooking. However, layout details are under consideration, and these establish separation distances. Furthermore, due regard can be given to whether any prohibitive issues exist that would prevent appropriate and reasonable details for scale and appearance coming forward.
- 10.42 All separation distances to third party dwellings notably exceed the minimums outlined within the Housebuilders Design Guide SPD, namely 21m between facing rear habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions). Dwellings on Roslyn Avenue have sides towards the site, with distances in excess of 10m between existing units and new plots. Dwellings on Henry Frederick Avenue are in excess of 35m of the nearest plots, and those on Meltham Road are over 70m away. The SPD requires due regard be given to whether topographical differences necessitate a greater distance than the minimum: with landscape (which includes ground treatment) and scale as reserved matters, the exact impact of levels cannot currently be assessed. Nonetheless, given the identified sizable separation distances officers are satisfied there are no prohibitive concerns relating to levels.
- 10.43 Regarding noise pollution, residential uses adjacent to each other are considered compatible and there are no concerns of noise pollution from dwellings. However, the proposal does include the provision of a Local Equipped Area of Play (LEAP). Guidance seeks a minimum of 20m between the activity zone of a LEAP and the habitable room facade of dwellings: this would be achieved (for both existing and proposed dwellings).
- 10.44 Boundary treatments fall under the reserved matter of 'landscape'. Based on the currently available information, officers are satisfied that there are no prohibitive reasons why an attractive and appropriate boundary strategy could not be delivered on that which would protect the amenity of existing residents and ensure a high quality of amenity for new residents (as well as being attractive).
- 10.45 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative note regarding hours of noisy construction work is recommended.
- 10.46 In summary, officers are satisfied that the development, with details of layout assessed, would not materially prejudice the amenity of existing neighbouring dwellings. While scale, appearance, and landscaping (inc. boundary treatments) are reserved matters, due regard has been given to these considerations and officers are satisfied that no prohibitive reasons exist why acceptable details could not be provided. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

- 10.47 The sizes of the proposed residential units are a material planning consideration. While scale is a reserved matter, layout is a consideration with the applicant providing building footprints and a schedule of accommodation for assessment. Thus, proposed floor spaces are known and accessible. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.48 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	Number of units	Proposed (GIA, m <sup>2</sup> )	NDSS (GIA, m <sup>2</sup> )
Type 1A (1bed)	6	52	39
Type 2A (2bed)	28	72	70
Type 2B (2bed)	4	79	70
Type 2C (2bed)	1	62.7	61
Type 3A (3bed)	8	86.5	84
Type 3B (3bed)	20	95.8	84
Type 3C (3bed)	1	78.2	74
Type 4A (4bed)	14	100	97

- 10.49 All the proposed units exceed the NDSS minimums. All the dwelling houses would have outdoor amenity space, including private gardens of a size commensurate to the host dwelling. The 1bed apartments would not have dedicated private garden space, however this is not atypical for apartment units. Furthermore, the apartments are located very close to the POS area to the south, with the site being within close distance to many country walks with high amenity value. As appearance is a reserved matter, window size / locations are currently unknown, and outlook and natural light levels cannot yet be determined. Nonetheless, there are no prohibitive reasons why appropriate arrangements could not be provided at application stage, with units being appropriate separation distances to one another and the proposed retaining walls.
- 10.50 A sizable area of Public Open Space would be provided on site and would contribute to the amenity of future and existing nearby residents. This proposed space includes circa 3000sqm of accessible amenity grassland, as well as an equipped play area and park spaces (details to be secured via condition) and 4189 sqm of natural / semi-natural land. While this provision is noted and will contribute towards enhancing resident's amenity (and the aesthetics of the site), as set out in the council's Public Open Space SPD, public open space is divided into five typologies. The proposal overprovides

on amenity grassland and natural / semi-natural, while under providing other typologies, including parks and recreation space (with that shown on plan not accepted): therefore, an off-site contribution of £74,695 to cover the typologies not fully provided on site, to be spent improving open space in the area, remains necessary. Such facilities so improved will be accessible by future residents, further contributing to the amenity value of residents.

- 10.51 The northern POS is adjacent to what appears to be a historic quarry within the ancient woodland. This includes a sheer drop. In the interest of ensuring an appropriate POS area, a method of fencing / screening is needed. This would need to be carefully designed, as it would be within the ancient woodland's zone of influence. Details of this, and other boundary treatments to the woodland (ancient and otherwise) to be provided at reserved matters (landscape) stage may be secured via condition.
- 10.52 The proposed dwellings are far enough from Meltham Road to prevent concerns of it as a potential source of noise pollution. The public house the Beaumont Arms backs onto the applicant site's southern boundary, with its outdoor seating area also adjacent to the boundary. The nearest dwelling is more than 70m from the Beaumont Arms and 60m of its outdoor area: these distances are likewise considered sufficient to prevent concerns of harmful noise pollution, with no specific noise management or mitigation required. As noted previously, there are no concerns over the proximity of new dwellings to the proposed play area.
- 10.53 To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

#### Highway

- 10.54 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.55 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

*Traffic generation and the local network*

- 10.56 Access has been applied for as a consideration as part of this application. Furthermore, consideration may be given to the traffic generation of 80 dwellings.
- 10.57 First considering traffic generation, the application's assessment has been made against a maximum of 82 units. In agreement with Highways Development Management a bespoke trip rate has been utilised: this was to ensure that the trip rates used were representative of existing trip rate in the local area and to verify the trip rates obtained from the TRICS database. Using this methodology provides a higher trip rate than using generic TRICS trip rates and provides for a robust basis for assessment. Based on this, the following traffic generation has been identified from the proposal:

	<b>Arrival</b>	<b>Departure</b>	<b>Two-way</b>
<b>AM Peak</b>	20	26	46
<b>PM Peak</b>	30	19	49

- 10.58 The impact of these additional movements has been considered on the local network, including the Roslyn Avenue / Henry Fredrik Avenue junction and the Henry Frederick Avenue / Meltham Road junction. The assessment undertaken demonstrates that the junctions will continue to operate within capacity following the introduction of development traffic, although due regard must be given to the suitability of each junction.
- 10.59 The junction of Roslyn Avenue / Henry Frederick Avenue is relatively wide and does not include any road markings to define the priority route through the junction. The applicant has proposed to provide give-way markings at the junction (across the Henry Frederick Avenue arm). These proposed road marking improvements are acceptable in principle and have been subject to a Stage 1 Road Safety Audit that has not identified any issues with their design. The provision of these improvements may be secured via condition.
- 10.60 Development traffic accesses the wider highway network at the Henry Frederick Avenue / B6108 Meltham Road, which includes hatched junction markings to improve junction visibility from the minor arm. The applicant has confirmed in their Transport Assessment that 2.4x43m+ visibility splays are available at the junction, which are required based on the 30mph speed limit, and overall, this junction is considered appropriate with no improvements needed.
- 10.61 Concerns have been raised over the suitability of Henry Frederick Avenue as a primary through-route into the development, due to the amount of on-street parking present which narrows the carriageway. The applicant was requested to undertake on-street parking surveys to determine whether any mitigation measures may be required on Henry Frederick Avenue, including the introduction of localised no waiting restrictions. Parking observations were undertaken at 5:30am (when most residents will be at home) on Wednesday 14th and Thursday 15th June 2023. These surveys confirmed that there were up to 10 cars/vans parked on Henry Frederick Avenue, with the Transport Assessment suggesting there is available capacity for circa 21 cars. Highways Development Management have also independently checked the on-street parking opportunities that exist on Henry Frederick Avenue and identified scope to park circa 14 cars/vans on the west side of the street alone without blocking any drives. Therefore, the parking capacity identified by the applicant is considered to be a conservative estimate.



- 10.62 Based on the above findings, there is currently no need to provide any 'no waiting' restrictions on Henry Frederick Way; and the development will not increase parking on Henry Frederick Way as adequate development parking is provided within the site (see further comment relating to development parking below).
- 10.63 The Transport Assessment includes an assessment of road traffic collision data on the local highway network over the latest 5-year period, and confirms that there are no patterns or trends within the study area, with no injury related incidents recorded on Roslyn Avenue or Henry Frederick Avenue, including the junction with Meltham Road.
- 10.64 Concluding on the above, officers are therefore satisfied that the proposal's traffic generation would not have an adverse impact upon the local highway network.
- 10.65 Regarding traffic during the construction period, given the scale and nature of the development officers recommend a Construction Management Plan (CEMP) be secured via condition. This is to ensure the development would not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences, and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable, and a condition is recommended accordingly.

*Point of access, internal highway layout, and parking*

- 10.66 The proposed access point onto Roslyn Avenue and the internal road layout has been reviewed by K.C. Highways who consider it to be acceptable. It is deemed to comply with the standards of the Highway Design Guide SPD. Furthermore, there is no prohibitive reason preventing a road scheme for adoption being brought forward at Section 38 stage. Full technical details of the new access road, to an adoptable standard, would be secured via condition.
- 10.67 All dwellings would have a level of dedicated off-road parking in accordance with the Highway Design Guide SPD. The provision of this may be secured via condition. However, this is subject to the dwellings that include garages having minimum internal dimensions of 3x6m, which will need to be demonstrated when the detailed design of the dwellings is considered at the reserved matters stage (scale).
- 10.68 In terms of visitor parking, the Highways Design Guide recommends one per four dwellings. This amounts to 21 dedicated spaces, which has been proposed. Furthermore, the visitor parking spaces are well spaced around the site, which is welcomed.
- 10.69 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. Several shared private drives are proposed – each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste

collection areas would be secured by recommended conditions. All units are shown to have adequate space for the storage of three waste bins in their rear gardens.

- 10.70 Given the scale of the development, which would likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse collection services would not access roads prior to adoption or while construction work continues, therefore appropriate arrangements must be considered and implemented.

*Public Rights of Way and pedestrian connectivity*

- 10.71 Footpath HUD/228/10 runs along the southern boundary of the site, which is proposed to be improved with a crushed stone surface with timber edging. Links to this PROW are proposed from the estate road footways, which include a 2m wide stepped route with tarmac surfacing and a 2m wide ramped route with crushed stone surfacing, connecting to the existing PROW at the southeast and southwest corners of the site respectively. These links are acceptable in principle and are welcomed. Final details of the footpath links (including drainage, construction specification, surfacing etc.) and their delivery will need to be secured by condition, with public access rights maintained thereafter secured via the S106 agreement.
- 10.72 Footpath HUD/223/40 runs to the north of the site, through Deanwood. It is not adjacent to the site, being circa 50m away. There is currently an informal desire line path connecting the site to the PROW, through part of the woodland. It is proposed to provide a formalised link from the highway to this existing desire line within the site, but it is not proposed to formalise the connection outside of the red-line, all the way to the PROW. This is on ecological and arboricultural grounds, as, due to the challenging topography through the woodland, the provision of such a path would be a notable engineering operation that would likely impact upon the trees and area as a habitat. There would also be issues of this woodland being outside the ownership of the applicant (being council owned).
- 10.73 In addition to the above point of connection, a further link has been proposed from the section of estate road between plots 38 and 39, to link the site to the council owned recreation land located immediately to the north-east of the site boundary.
- 10.74 Both of the abovementioned links are proposed to be 2m wide, with a crushed stone surface and timber edging. Suitable gradients have also been demonstrated for these routes (e.g. no steeper than 1:12). Final technical construction details of both footpath links and their delivery will need to be secured by condition, with public access rights maintained thereafter secured via a S106 obligation.

*Sustainable Travel*

- 10.75 LP20 of the Kirklees Local Plan states 'The council would support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and would accept that variations in opportunity for this would vary between larger and smaller settlements in the area.'

- 10.76 The site is allocated in the Local Plan for residential development. The accessibility of the site was assessed as part of this process and is considered a sustainable location, being on the edge of an existing settlement. The supporting Transport Assessment includes a review of the facilities that are within walking and cycling distance of the site; this confirms that there is a range of local facilities that are accessible by foot and by cycle. A condition for cycle storage facilities, per unit, is recommended to promote cycling as a viable alternative method of travel.
- 10.77 The main bus stops to the site are located on Meltham Road, circa 350m walk from the centre of the site. The stops are served by the 321, 324, 354 & 355 services, which provide frequent services between Meltham and Huddersfield (4 buses per hour to/from Huddersfield). There are also (unsigned) stops on Roslyn Avenue and Henry Frederick Avenue for the 354/355 services that travel along these roads. West Yorkshire Combined Authority Metro has been consulted and have confirming the following:

*The site is an allocated site and benefits from relatively good public transport access, notably via the 324 bus service that is a core service between Meltham and Huddersfield. The linear nature of the site inevitably means that parts of the site are more accessible than other parts, but we are encouraged to see that the layout of the site incorporates footpath access to the south eastern corner of the site which leads to Meltham Road.*

*Meltham Road is likely to be the main public transport access point. Ideally, we would like to see the provision of bus shelters but the footpath widths and proximity of the stops to existing dwellings mean shelters may not be deliverable. However, we do suggest that real time information enabled bus stop poles should be installed at stops 19220 and 19219. The cost of this would be £10,500 per stop.*

Officers support the above recommendation, and the applicant has agreed to a S106 contribution of £21,000 towards the bus stops.

- 10.78 West Yorkshire Combined Authority Metro has also advised that a contribution of £41,943, be secured towards sustainable travel incentives to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures, such as discounted Metro Cards (Residential MetroCard Scheme) for all or part of the site. This has been discussed and agreed with the applicant, also to be secured via S106.
- 10.79 The applicant has submitted a draft travel plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up-to-date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. These core principles are welcomed and demonstrate that sustainable travel measures may be implemented at the site. However, a more detailed final travel plan would be required via condition. A Travel Plan monitoring fee of £10,000 (£2,000 per annum, for five years) would be necessary, to ensure the effective implementation of the Travel Plan, and this would be secured via a Section 106 as part of this outline application.

### *Highway, conclusion*

- 10.80 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be appropriately mitigated. The development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

### Drainage and flood risk

- 10.81 The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy. This has been reviewed by K.C. Lead Local Flood Authority (LLFA).
- 10.82 First considering flood risk, the site is wholly within Flood Zone 1. A watercourse runs (east to west) through Dean Wood, circa 90m north of the site, although the intervening topography and level differences between the site and watercourse prevents any risk of flooding onto the site associated with the watercourse.
- 10.83 Considering surface water arrangements, the applicant has followed the drainage hierarchy in reaching their proposed discharge point. Due to ground conditions and topography, infiltration has been ruled out. The topographical and level differences prohibit discharging to the northern watercourse. It is therefore intended to discharge, via gravity, to the Public Combined Water Sewer on Meltham Road (south of the site). Attenuation is to be provided via a subterranean attenuation tank, with the capacity and other features designed such that there is no external flooding for the 1 in 30-year event, and all flows are retained on site for up to the 1 in 100-year event plus climate change. The discharge is to be restricted to 5l/s, resulting in 46% reduction in existing greenfield runoff (9.38l/s). These arrangements have been reviewed by the LLFA and are supported, subject to full technical details being provided via condition.
- 10.84 The applicant has submitted a flood water exceedance event plan which demonstrates how water would flow in the unexpected event that the surface water drainage system fails. This would direct water into the highway, away from dwelling houses and avoiding their domestic curtilages wherever possible. No flood water would be directed towards 3rd party dwellings. Most water would be re-directed onto Roslyn Avenue or towards Henry Frederick Street via PROW HUD/228/10.
- 10.85 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.

- 10.86 Foul water from the proposed development would discharge to the existing combined sewer on Rowley Lane. Due to being at a higher level, this would necessitate a foul water pump. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.87 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan.

#### Impact on the Ancient Woodland and Ecology

- 10.88 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.89 The application site is immediately adjacent to Lepton Great Wood, a registered ancient woodland (and protected by a TPO). Ancient woodland is an area wooded continuously since at least 1600 AD and is an irreplaceable habitat. They are valuable natural assets important for:
- wildlife
  - soils
  - carbon capture and storage
  - contributing to the seed bank and genetic diversity
  - recreation, health and wellbeing
  - cultural, historical and landscape value
- 10.90 The NPPF states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists” (paragraph 180(c)).
- 10.91 For non-statutory, local designations, the woodland is (partly) both a Local Wildlife Site and Wildlife Habitat Network within the Kirklees Local Plan. Regarding Local Wildlife Sites, policy LP30 states:

*Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, would not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term*

Wildlife Habitat Networks connect designated sites of biodiversity and geological importance and notable habitat links within the district, such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district. When considering a Wildlife Habitat Network, Local Plan policy LP30 states development would be required to:

*(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*

*(iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*

- 10.92 For the avoidance of doubt the site is not a Site of Special Scientific Interest (SSSI).
- 10.93 Considering the test of the NPPF, due regard must be given to whether the proposal would result in the 'loss or deterioration of the ancient woodland'. Substantial concerns have been raised through local representations over the impact on the ancient woodland, with parties claiming that the development would indeed result in a loss and/or deterioration.
- 10.94 Officers do not consider that the proposal would result in a direct loss of the ancient woodland. The proposed development includes a 15m buffer zone between the woodland and proposed garden / roads and 20m between the woodland and houses (please remember that not all woodland along the north falls within the ancient woodland designation). No trees within the ancient woodland would be removed as part of the application. Therefore, there would be no direct loss to the woodland. A condition for an Arboricultural Method Statement and Protection Plan, to provide specific details on how these trees will be protected during construction works, is recommended.
- 10.95 Regarding the risk of deterioration, or indirect loss, the principal consideration is the increase in human habitation (brought about by the proposed development) close to the woodland. Greater habitation would mean more footfall and access into the woodland, with human interaction in the woodland being a potential concern.
- 10.96 However, it must be acknowledged that the woodland is already accessed by a significant number of people. The woodland is publicly open, with Footpath HUD/223/40 running through the centre of the ancient woodland along with several informal desire lines (including through the application site), which connect the Public Rights of Ways. While the new units would be closer than most existing homes, this proposal is considered to represent a nominal increase in dwellings compared to the wider area, which would not represent a material change within a reasonable walking distance of the woodland. It should be noted that the development includes an area of public open space to be created through the site. The POS would contain open areas for informal play and dog walking, as an alternative to using the woods.
- 10.97 Further to the above, officers recommend two conditions. The first requires information boards to be installed at the two new links to the north-east of the site, into the ancient woodland and neighbouring council open land (which would provide an alternative route into the ancient woodland) within the site on the approach to the woodland. This would advise walkers to keep to the paths, with similar details to the information pack (details to be approved via condition). The second is that residents are provided with an information pack that would be provided to residents detailing how to respect the ancient woodland, including 'things to avoid' and details of local ecology. These conditions would assist in ensuring all new and future residents would be informed of the value and vulnerability of the woodland.

- 10.98 In conclusion regarding the proposal's impact on the woodland as both a designated ancient woodland and covered by a TPO, while it must be acknowledged that a degree of harm would be inevitable through introducing more people into the vicinity, officers consider that the harm would be minimal and would not amount to material deterioration of the ancient woodland, nor result in its loss.
- 10.99 With regards to the trees outside of the ancient woodland and TPO to the north-east of the site, selective pruning has been proposed in the AIA to several trees. The work proposed is only to gain clearance from two potential properties and would not affect the overall aesthetics of the trees or impact on their health if it is carried out to BS3998 standards. The works are very minor and wouldn't change the overall landscape as it currently appears. Gardens would back up to this non-protected woodland, but a 15m buffer zone between dwellings and the woodland would be provided. Considering this buffer zone which will result in dwellings having well-proportioned and open gardens, and that the woodland is due north of the dwellings therefore not interfering with sunlight, officers are satisfied that there would be no likely conflict between the trees and future residents in the future. The above-mentioned Arboricultural Method Statement and Protection Plan would need to extend to these trees as well, to demonstrate how they would be protected during construction.
- 10.100 Considering the ecological value of the site itself, the application is supported by an Ecological Impact Assessment which has been reviewed by K.C. Ecology. The habitats at the site are considered to be of little ecological value, being largely dominated by species poor modified grassland, which is routinely grazed by sheep. There are some small pockets of habitats of greater ecological value, however, these are considered to be of no more than site level importance. With regards to faunal groups, the EcIA details that the proposed development would bring about an overall enhancement for a number of protected species, through the planting of hedgerows and integration of habitat boxes throughout the site.
- 10.101 No invasive plant species were identified within the survey work undertaken.
- 10.102 K.C. Ecology accepts the methodology and conclusion of the submitted EcIA and are satisfied that the proposal would not cause material harm to local habitat or species. Nonetheless, officers consider it reasonable to condition an up-to-date survey of the area be provided at Reserved Matters stage (specifically landscaping), to ensure due regard is given to protected species. Reserved Matters may be received up to 3 years after an Outline is granted and development commenced up to 2 years after the Reserved Matters is approved, so this approach is considered a reasonable precaution. Furthermore, a condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is recommended, to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species. Likewise, a condition for an external lighting strategy, to ensure no harm through lighting, particularly towards the ancient woodland, is recommended.

10.103 A Biodiversity Net Gain calculation has been undertaken using the DEFRA Metric v3.1. The submitted metric (dated 17th October 2022) states that the development would result in 11.71% net gain in habitats and a 2465.61% net gain in hedgerows. This level of net gain is welcomed (without needing an off-site contribution) and ensures that the development would be able to provide an enhancement over the current situation. Several other enhancement measures can also be incorporated into the scheme in order to ensure that provisions for protected species are realised, post-development. A condition for an Ecological Design Strategy, to detail the net gain and other ecological improvement delivery, is recommended along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years.

10.104 In conclusion, the proposal would not result in the loss or result in a material deterioration of the Dean Wood ancient woodland, subject to the recommended conditions. Furthermore, there would be no harmful impact on local species and, through the provision of a 10% ecological net gain (minimum) on site the habitat would be enhanced. This ensures that the Dean Wood's function as a Local Wildlife Site and Wildlife Habitat Network would be maintained and/or enhanced. As such the proposal is considered to comply with the objectives of policy LP30 of the Kirklees Local Plan.

Planning obligations

10.105 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

*Affordable Housing*

10.106 LP11 of the Local Plan and the Council's Affordable Housing and Housing Mix SPD requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 80 units would be 16 units.

10.107 The Council seeks the tenure of affordable dwellings to be 55% affordable rent and 45% intermediate, or nine and seven units respectively in this case. National policy also requires that 25% of affordable homes are First Homes (a type of immediate tenure), which would be four in this case. Furthermore, the Council's Affordable Housing and Housing Mix SPD sets our expectations for affordable housing unit size and mixture. Falling within the Huddersfield South sub-area, the SPD seeks the following mix

	<b>Affordable Rent</b>	<b>Intermediate</b>
<b>1- and 2-bed</b>	40 – 79%	40 – 79%
<b>3-bed</b>	0 – 19%	20 – 39%
<b>4bed+</b>	20 – 39%	0 – 19%



The applicant has offered:

	<b>Affordable Rent</b>	<b>Intermediate</b>
<b>1- and 2-bed</b>	6 (66%)	5 (inc 3 first homes) (71%)
<b>3-bed</b>	2 (22%)	2 (inc 1 first home) (28%)
<b>4bed+</b>	1 (11%)	none

10.108 The total number of affordable units proposed and the affordable / intermediate ratio complies with the SPD expectations, which is welcomed. The offer does fall outside of the SPD in regards to 3-bed and 4-bed+ affordable rent, however it is a minimal departure (the difference of 1 dwelling) and on balance raises no concerns. All other provisions of the offer would comply with the policy expectations.

10.109 Policy also seeks to ensure that the affordable units are indistinguishable from market homes. The proposed affordable units are drawn from the same housing types elsewhere across the site and would be built to the same quality. In terms of locations, officers are satisfied that the units have been adequately spread through the site to avoid affordable homes being unduly consolidated.

10.110 Overall, the proposed affordable housing offer is considered acceptable and achieves the objections of LP11 and the Council's Affordable Housing and Housing Mix SPD.

#### *Public Open Space*

10.111 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

10.112 The proposal includes 8683sqm of on-site Public Open Space, with an offsite contribution of £74,695 (plus a £1,000 on-site POS inspection fee) agreed. While 'landscape' is a reserved matter, the applicant has requested that the defined areas and their sizes be considered as part of this application. This is achievable, as sufficient details are provided, although officers dispute the area proposed as 'parks and recreation'. The landscape details would principally relate to technical matters, such as planting schedules and treatment of open areas: the landscape details submitted at the reserved matters stage would need to adhere to typologies secured at this time, bar the omission of the 'park and recreation' as shown, which may be managed via condition.

#### *Education*

10.113 K.C. Education has reviewed the capacity at nearby schools, namely Netherton Infant and Nursery School, South Crosland CE, and Moor End Academy. A contribution of £134,748 towards these schools has been identified by K.C. Education, which has been agreed with the applicant.

### *Highways (sustainable travel)*

10.114 As detailed in paragraphs 10.75 - 10.79, a total of £72,943 has been calculated towards improving sustainable travel methods. This is broken down as:

- Sustainable Travel Fund (i.e., towards Mcards): £41,943
- Bus stop upgrades (real time displays): £21,000
- Travel Plan monitoring fee: £10,000

10.115 As detailed within paragraphs 10.72 – 10.74, two link paths are proposed into the ancient woodland and neighbouring council recreation ground. To promote pedestrian movements, a clause requiring that these links are kept permanently open and are managed / maintained appropriately is also required in the S106.

10.116 The applicant has agreed to these obligations.

### *Management and Maintenance*

10.117 Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on the site. This includes arrangements for the management and maintenance of drainage infrastructure (prior to adoption by a statutory undertaker) and Public Open Space on site in perpetuity, and any on-site Ecological Net Gain features for a minimum of 30 years.

### Other Matters

#### *Air quality*

10.118 The application is supported by an Air Quality Impact Assessment (AQIA). This has been reviewed by K.C. Environmental Health in accordance with West Yorkshire Low Emission Strategy (WYLES) Planning Guidance.

10.119 The site is not within an Air Quality Management Area, nor near to any roads of concern. The report concludes that future pollutant concentrations at the proposed development site are likely to be below the national air quality objectives in relation to Nitrogen Dioxide (NO<sub>2</sub>), and Particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) and therefore “not significant” in accordance with IAQM guidance. It considers that the site is suitable for its proposed residential end use. Notwithstanding this, in accordance with WYLES guidance, all developments are required to incorporate measures to mitigate air quality harm. Those proposed are:

- The provision of Electric Vehicle Charging Points (EVCP)
- Travel Plan to be provided
- Improve pedestrian links to bus stops, and enhance the local bus stops with a sustainable travel fund.
- Pedestrian links through the site to promote walking in and around the area.

- 10.120 These mitigation measures are welcomed and are incorporated into the proposal, as is detailed elsewhere within this report, bar the provision of EVCP. Under recent building regulation changes, it is now mandatory that new dwellings include an EVCP and therefore planners do not seek to require them by condition (to avoid doubling of legislation).
- 10.121 Due regard has also been given to air pollution during the construction phase, principally regarding dust generated by construction. This is of particular importance for this site, both due to the typical consideration of proximity to existing residents, but also the closeness to Lepton Great Wood. The report concluded that there is the potential for air quality impacts because of fugitive dust emissions from the site, from earthworks, construction and track-out. The report goes on to say that these impacts are considered to be temporary and short term and can be controlled by the implementation of good practice dust control mitigation during construction, the implementation of which may be secured via condition.
- 10.122 Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

#### *Contamination*

- 10.123 In accordance with LP53, as a major residential development consideration of ground contamination is required. Furthermore, Council records indicate the site as being potentially contaminated due to historic use. The application is supported by Phase 1 (desktop) Contaminated Land report which has been reviewed by K.C. Environmental Health.
- 10.124 The report concludes that further Phase 2 site specific investigation is needed to determine what, if any, remediation may be needed on the site. K.C. Environmental Health generally agrees with the report and its conclusion, although technical concerns on the proposed methodology for the Phase 2 have been raised and made available for the applicant. Nonetheless, K.C. Environmental Health and officers are satisfied that there are no fundamental concerns regarding contamination, subject to conditions being imposed relating to further investigation and remediation / validation as required. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

#### *Crime Mitigation*

- 10.125 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regard to home security, rear access security and boundary treatments. Where these fall within the remit of planning, they predominantly relate to the Reserved Matters of Landscape (i.e., boundary treatment). A condition is therefore recommended requiring details of lighting and crime mitigation to be provided and Landscape stage. With this secured, it is therefore 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).

## *Minerals*

- 10.126 The site is within a wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with LP38.

## *Training and apprenticeships*

- 10.127 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 will be approaching the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being routinely secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

## Representations

- 10.128 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

## Highways

- There is a well-used route through the site, running along its east boundary from south to north, connecting the site's southern PROW to the ancient woodland. While the route itself is not a PROW (although some claim it is) it is valuable to local residents for access to the woodland and should be preserved.

**Response:** The route in question is not a PROW, nor are there any recorded claims at this time. While the current route would be affected by the development, the proposal will still enable walkers to access the Ancient Woodland from Roslyn Avenue and Henry Frederick Avenue via the existing southern PROW.

- The applicant's trip generation figures are inaccurate due to there being a high number of bungalows in the area (which are presumed to be occupied by more elderly and less children) and because the distance to nearest High School being greater than average and therefore more car journeys to drop off children are likely.
- The applicant's highway surveys were undertaken on a single, mid-week day. This is inadequate.
- The local road network, all the way to Lockwood, is oversaturated with vehicles. Constraints, such as the viaducts, prevent the issues being

easily resolved. This leads to long queues along Meltham Road, but also nearby roads such as Blackmoorfoot Road. More traffic, particularly cumulative with other developments in the area, will exacerbate these issues.

- Meltham Road is very busy at rush hour, either requiring long queues or taking a 'rat run' through South Crosland. The area cannot accommodate the additional vehicle movements associated with the development.
- Nearby schools are beyond a reasonable walking distance with no bus service towards them. This will either force more vehicles on the road with parents driving students, or students walking on unfit paths / routes towards the schools.

**Response:** The applicant's methodology for their trip generation has been reviewed and accepted by K.C. Highways. Cumulative impacts of the development were considered at Local Plan stage and as part of this application's assessment. As detailed in paragraphs 10.56 – 10.65, K.C. Highways are satisfied that the local road network may accommodate the additional traffic without a severe impact.

- There are schools in the area and the Henry Frederick Avenue and Meltham Road junction is crossed by children: traffic lights should be provided to make crossing safer.
- The proposal should contribute towards the constriction of the next phase of the Meltham Greenway.

**Response:** Contributions and/or conditions for a development must be 'relevant to the development to be permitted'. The proposed development is not considered to warrant such an intervention.

- The submission does not accurately represent the typical parking and congestion on Henry Frederick Avenue, which is far busier than indicated. The road is often down to a single lane, due to residents and attendees to the Beaumont Arms, and more traffic in the area will cause safety issues. The road is used by busses and may be inaccessible to emergency vehicles due to parked cars and traffic. The road also has many potholes. Chapel Street, the other potential route to the site, has similar issues to Henry Frederick Avenue.

**Response:** This relates to an existing situation that the proposal would not exacerbate as the development is considered to have adequate parking for residents and visitors: there is no reasonable expectation that future residents or their visitors to the new development will park on Henry Frederick Avenue (or Chapel Street). Regardless, existing or new residents parking on the road should do so in a way that does not block the flow of traffic. Blocking the highway is illegal under the Highways Act 1980 and is a matter for the police.

K.C. Highways have commented:

*It is noted that some local residents who have commented on the proposals have suggested that more cars park on Henry Frederick Avenue than have been shown in the applicant's surveys. This includes a number of objections that have included photos that suggest circa 14+ cars/vans parked on-street. Whilst it is acknowledged that there will be daily variations in the level of on-street parking, no evidence has been provided that demonstrate that more than 21 cars park on street (e.g. the streets theoretical capacity as identified in the Transport Assessment).*

- Henry Frederick Avenue cannot accommodate the HGV movements that would be needed during construction. Construction will also damage the road; how will this be avoided?

**Response:** There are no fundamental reasons why the site cannot be accessed by construction traffic. Conditions are proposed for both a Construction Management Plan and Highway Condition Survey to manage these considerations.

- A single point of access into the site is inadequate. If the road is blocked (such as a broken-down car), how will residents enter / leave or emergency services access the site?

**Response:** A single point of access is considered acceptable for the scale of the development. A single broken-down car is highly unlikely to close off the road.

- PROW HUD/228/10, which runs along the site's south and connects to Henry Frederick Avenue. It appears to be intended as a primary route into the site. It currently cannot be accessed by less mobile individuals, is narrow, and at risk of crime. It should be improved.

**Response:** Given the constraints of the PROW in this section, being very narrow and between two third-party land ownerships, it is not feasible to be improved as part of this development. Given there is alternative routes into the site to insist upon it would not be reasonable or necessary.

- The pavements along Henry Frederick Street are mossy and not suitable for access into the site.

**Response:** The management and maintenance of the existing highway network is outside the remit of the planning application.

- How will access to nearby cycle routes be provided and the PROW should be upgraded to a bridleway.

**Response:** Connection to nearby cycle routes will be via the existing network. It is considered outside the scale and scope of this application, nor required necessary on planning grounds, to provide new conditions or alter the existing PROW to a bridleway.

### Ecology and Trees

- Flytipping into the woodland will be caused by new residents.

**Response:** This is speculation and outside of the remit of this application.

## Drainage and flood risk

- The local sewers are unable to take more water. They fail annually and often overflow via manholes on the road. Adding more water into them will result in flooding.

**Response:** Yorkshire Water were consulted on the application and offer no objection; they raise no such comment that their network cannot accommodate additional connections.

- The assessment focuses narrowly on the site, with minimal consideration of regional drainage and flood risk implications. A more comprehensive study is necessary to fully understand and mitigate the potential risks associated with this development.

**Response:** The scope and methodology of the Flood Risk Assessment has been considered and found to be acceptable by the Lead Local Flood Authority, who are satisfied that the proposal would not lead to a flooding risk.

- If this application is approved the Council should be liable to any damage caused from flooding (or other) to nearby dwellings.

**Response:** This is outside the remit of this application and does not form a material planning consideration.

- Concerns over the siting of the proposed attenuation tank and the safety impacts it may cause due to proximity to neighbouring properties.
- The proposal includes a huge septic tank which will smell and the pumping station will make noise.

**Response:** An exceedance event flood routing strategy has been provided. This shows the anticipated routing of surface water, in the unlikely event that the drainage system and/or attenuation tank fails. At the southern section of the site, this shows that the water is expected to follow the PROW and discharge onto Henry Frederick Street, avoiding the curtilage of neighbouring properties. The attenuation tank is for storing and slowing discharging surface water (i.e., rainwater) and is not a septic tank (i.e., foul water), therefore not a source of odour. Foul water will discharge directly to the combined sewer via gravity.

- The proposal includes a drainage pipe connecting to Meltham Road. There are concerns that this pipe may leak or cause subsidence to nearby properties.

**Response:** The technical design will be reviewed by the Lead Local Flood Authority and, if the applicant wishes for it to be adopted, Yorkshire Water, although the applicant would be liable to ensure it is installed correctly and safely.

## Other

- Concerns that the application was not advertised for an adequate period of time.

**Response:** several representations were received stating this, before the publicity period commenced. Thereafter publicity was undertaken in accordance with statutory requirements as detailed in paragraph 7.3.

- Concerns over disruption during the construction process.

**Response:** There would inevitably be some temporary disruption to nearby residents during construction. A Construction Environmental Management Plan is recommended to be condition, to ensure construction is managed as reasonably as possible to ensure no undue impacts.

- The field has been used by the air ambulance in the past, an opportunity which will be lost.

**Response:** This does not form a material planning consideration.

- The proposal does not include enough affordable homes as 20% of 82 is 16.4. Also, there are too many 3 and 4bed units. Smaller units are needed.

**Response:** For affordable units, it is standard practise to round to the nearest whole, therefore 16.4 equals 16 affordable units. Consideration of housing mixture has been undertaken in paragraph 10.8.

- Development should be focused around Huddersfield / Dewsbury and their train stations, to improve connections to Leeds / Manchester.

**Response:** The siting of housing allocation was considered at Local Plan stage to respond to local housing needs.

- The land is used for agriculture that produces food and jobs.

**Response:** Consideration of a site agricultural value, including whether it comprising best and most versatile land, was considered at Local Plan stage when allocating sites. In allocating the site, there was concluded to be no unacceptable impact.

- The proposal does not include enough Public Open Space compared to other nearby developments. Also, the POS will be on steep land.
- Questions whether the POS areas and play park will be accessible by all, or just residents. It is also unclear who will be responsible for its management and maintenance.
- Woodfield Park is cited in the proposal as being a local amenity: this is incorrect, it is private land with no automatic public right of access.

**Response:** Each application is assessed on its own merits. The proposed Public Open Space, which would be open to all members of the public and not just future residents, is considered acceptable for the scale of the



development. The POS is expected to be managed and maintained by a resident's association and/or management company.

- Local services are at (or are near) capacity. This includes nearby schools, dentists, and doctors.

**Response:** There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Regarding schools, an education financial contribution has been secured.

- There is no demand in the area for houses, with houses on Rightmove being lowered in price. Consideration should be given to cumulative impacts to development taking place elsewhere in Netherton.

**Response:** This is outside the scope of this application to consider and is not a material planning consideration. The applicant has been assessed against material planning considerations and found to be acceptable.

- Brownfield development and vacant homes should be prioritised over greenfield.

**Response:** Local and national planning policies does not prioritise brownfield over greenfield, or vice versa. It is outside the remit of planning to force the occupation of vacant properties.

## 11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 The site is allocated as a housing allocation within the Local Plan. While the density of development is below that expected by the Local Plan, there are reasonable justifications for this shortfall which accord to policy LP7's expectation of such densities 'where appropriate'. Furthermore, the houses that would be provided are acceptable in terms of size mixture and would reply to local need. Therefore, the principle of development is found to be acceptable.

11.3 Considering the local impacts, the proposal is made in outline; however, access and layout are considerations. The access arrangements, via Roslyn Avenue, are deemed to be acceptable and would not result in severe highway impacts. The internal layout of the proposal is acceptable and would result in a high quality of development while preserving the amenity of neighbouring occupiers. The considerations of scale, appearance, and landscaping are reserved matters, although no prohibitive reasons have been identified as to why adequate details could not be provided subsequently.

- 11.4 Other planning issues, such as drainage, ecology, and protected trees, have been addressed through the proposal. Furthermore, it would provide an enhancement to local affordable housing, providing 16 affordable units, and open space, with on-site and off-site contributions to enhance local facilities, in line with policy requirements. Education contributions would also be secured to mitigate the impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

## 12.0 CONDITIONS

### **Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development**

- Reserved Matters submission and timeframes.
- Development to be carried out in accordance with the approved plans and specifications.
- Updated Heritage Impact Assessment to be provided at Reserved Matters (scale, appearance, and landscape) stage.
- Archaeological surveys to be undertaken.
- Technical details of play equipment to be provided.
- Details of boundary treatment between site and Dean Wood to be provided at Reserved Matters (landscape) stage.
- Finished floor levels to be provided at Reserved Matters (scale, appearance, and landscape) stage
- Construction Environmental Management Plan (C(E)MP) (also referred to as a Construction Management Plan) to be provided prior to commencement and adhered to.
- Technical specifications of internal access road to be approved and adhered to.
- Technical specifications of access arrangements to be approved and adhered to.
- Technical details of improvement to Roslyn Avenue / Henry Frederick Avenue junction to be approved and adhered to.
- Each dwelling's parking spaces to be provided prior to occupation
- Highway Condition Surveys and Remediation to be undertaken
- Technical details of PROW and link connection surfacing to be provided and adhered to.
- Full travel plan to be provided.
- Cycle storage details per unit.
- Reserved Matter (Landscape) to include treatment of PROW details.
- Reserved Matters (landscape) details to be in accordance with approved Public Open Space Typology plan (minus parks and recreation area).
- Private drive communal bin stores to be provided.
- Construction phase waste collection strategy.
- Full technical details of the proposed swale to be provided.
- Full technical details of surface water drainage system to be provided.

- Surface water flood routing plan to be provided and implemented.
- Details of temporary surface water drainage to be provided.
- Arboricultural Method Statement and Tree Protection Plan to be provided and adhered to.
- Updated Ecological Impact Assessment to be provided at Reserved Matters (landscape) stage.
- Ecological Design Strategy to be provided.
- Constriction Environmental Management Plan: Ecology (CEMP: Biodiversity) to be provided.
- Provision of details of the proposed information boards at link paths, and their provision.
- Provision of details of the ancient woodland information pack and their distribution.
- Details of landscape to include lighting and crime mitigation strategy.
- Development done in accordance with proposed Dust Mitigation Strategies.
- Contaminated Land Investigation (Phase 2, Remediation, Validation stages).

## **Background Papers**

### Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93932>

### Certificate of Ownership

Certificate B signed.