

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Tuesday 20 April 2021

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in a **Virtual Meeting - online** at **1.00 pm** on **Wednesday 28 April 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
V Lees-Hamilton
R Smith
J Taylor
M Thompson

Green

K Allison
S Lee-Richards

Independent

C Greaves
T Lyons

Labour

M Akhtar
M Kaushik
W Simpson
H Uppal

Liberal Democrat

J Lawson
A Marchington
A Munro

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 31st March 2021.

3: Declaration of Interests and Lobbying

7 - 8

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Planning Applications

9 - 10

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) **on Monday 26th April 2021**.

To pre-register, please email governance.planning@kirklees.gov.uk or phone **Sheila Dykes or Andrea Woodside** on 01484 221000 (Extension 73896 or 74995).

As this is a virtual meeting please include in your email the telephone number that you intend to use when addressing the Committee. You will receive details on how to speak at the meeting in your acknowledgement email.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

7: Planning Application - No. 2019/93658

11 - 68

Erection of 122 dwellings, landscaping and associated infrastructure - Land at Whitechapel Road, Cleckheaton.

Contact Officer: Christopher Carroll

Ward(s) affected: Cleckheaton

8: Planning Application - No.2020/92546

69 - 124

Outline application (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors' surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works - Land off Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield.

Contact Officer: Kate Mansell

Ward(s) affected: Crosland Moor and Netherton

- 9: Planning Application - No. 2020/90725** 125 - 182
- Erection of 68 dwellings with associated access, parking and open space (revised plans) - Land at Penistone Road, Fenay Bridge, Huddersfield.
- Contact Officer: Kate Mansell
- Ward(s) affected: Almondbury
-
- 10: Planning Application - No. 2019/93303** 183 - 212
- Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive - Merchants Field Farm, Hunsworth Lane, Cleckheaton.
- Contact Officer: Adam Walker
- Ward(s) affected: Cleckheaton
-
- 11: Planning Application - No. 2021/90376** 213 - 222
- Erection of external lighting - Spenborough Pool and Sports Complex, Bradford Road, Littletown, Liversedge.
- Contact Officer: Sarah Longbottom
- Ward(s) affected: Liversedge and Gomersal
-
- 12: Planning Application - No. 2020/93237** 223 - 234
- Erection of detached outbuilding and formation of raised patio - 61 Celandine Avenue, Salendine Nook, Huddersfield.
- Contact Officer: William Simcock
- Ward(s) affected: Golcar
-
- 13: Planning Application - No. 2020/93810** 235 - 242
- Construction of overspill car park and regrading of land (engineering operation) - The Eden Centre, 35 Dryclough Road, Crosland Moor, Huddersfield.
- Contact Officer: William Simcock
- Ward(s) affected: Crosland Moor and Netherton
-

14: Pre Application Enquiry - 2020/20411

243 -
270

Residential development of circa 270 dwellings - Bradley Villa Farm
(part of the HS11 allocated site), Bradford Road, Huddersfield.

Contact Officer: Victor Grayson

Ward(s) affected: Ashbrow

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 31st March 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Donald Firth
Councillor John Taylor

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

The minutes of the meeting of the Committee held on 24 February 2021 were approved as a correct record.

3 Declaration of Interests and Lobbying

Cllr Patrick declared another interest in applications 2020/93358 and 2018/93676 on the grounds that the applicants were connected to the forthcoming Mayor's charity.

Cllr Pattison declared another interest in application 2020/93358 on the grounds that her son lives adjacent to the development site.

Cllrs Bellamy, S Hall, Pattison, A Pinnock, Sokhal and Walker declared that they had been lobbied on application 2020/93358.

Cllrs S Hall, Pattison, A Pinnock, Sokhal and Walker declared that they had been lobbied on pre- application 2021/20084.

4 Admission of the Public

All items on the agenda were taken in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 A Review of Planning Appeal Decisions

The report was noted.

7 Planning Applications

The Committee considered the following schedule of Planning Applications.

8 Planning Application - Application No: 2020/93358

The Committee gave consideration to Planning Application 2020/93358 Erection of 52 dwellings Land east of, Abbey Road, Shepley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Stewart Brown (applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from councillor John Taylor (ward member).

RESOLVED –

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

1. Complete the list of conditions including those contained within the considered report including:
 1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and documents.
 3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
 4. Provision of visibility splays.
 5. Submission of details relating to internal adoptable roads.
 6. Submission of a Full Travel Plan.
 7. Submission of a Road Safety Audit.
 8. Submission of details of surfacing and drainage of parking spaces.
 9. Submission of details of highways structures.
 10. Cycle parking provision prior to occupation.
 11. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
 12. Submission of temporary waste storage and collection.
 13. Submission of details of any retaining walls.
 14. Submission of drainage details (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate).
 15. The site shall be developed with separate systems of drainage for foul and surface water on and off site
 16. Submission of a scheme detailing the piping of the watercourse at the point(s) of access or within the site.
 17. The development shall only be carried out in accordance with the approved Flood Risk Assessment.
 18. Submission of an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions.

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19. Submission of a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip).
20. Submission of a scheme of intrusive site investigations and any remediation works and/or mitigation measures to address land stability.
21. Submission of a noise impact assessment with the necessary mitigation measures for identified dwelling plots.
22. Submission of an intrusive site investigation report (phase II report).
23. Submission of a remediation strategy.
24. Submission of a validation report.
25. Submission of site investigation and remediation works to address risks posed to the development by past coal mining activity.
26. Submission of details of sound insulation measures.
27. Submission of details of crime prevention measures.
28. External materials (details and samples to be submitted).
29. Submission of details of boundary treatments.
30. Submission of details of external lighting.
31. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
32. Restriction on removal of trees and hedgerows during nesting season.
33. Removal of permitted development rights for extensions and outbuildings for plots 36-45 and 72-73.

2. Secure the signing of a Section 106 Agreement (giving due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569) to cover the following matters:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1- bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards schools within the locality of Kirkburton.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.
- 4) Open space – £62,073 contribution towards off-site provision.
- 5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.
- 6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

3. Pursuant to (2) above, in circumstances where the Section 106 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 and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

Strategic Planning Committee - 31 March 2021

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Pattison, A Pinnock, Sokhal, Walker and S Hall (6 votes).

Against: (0 votes).

9 **Planning Application - Application No: 2018/93676**

The committee gave consideration to Planning Application 2018/93676 Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use Land North West, Hog Close Lane, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Paul Bailey, Danny Watson and Darren Crossland (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from councillor Donald Firth (ward member).

RESOLVED –

That consideration of the application be deferred for the following reasons:

- To allow for the submission of a Waste Needs Assessment; and
- To provide details of an enhanced landscaping scheme.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Pattison, A Pinnock, Sokhal, Walker and S Hall (6 votes).

Against: (0 votes).

10 **Report - Planning Application 2020/90450**

The Committee gave consideration to the report that detailed the reasons for the Committee's refusal of application 2020/90450 - Erection of restaurant with drive-thru, car parking, landscaping, play frame, customer order displays and associated works. land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury and outlined the evidence base for each reason.

RESOLVED –

Delegate refusal of the application and the issuing of the decision notice to the Head of Planning and Development for the following reason outlined in the planning update report:

The addition of the proposed restaurant and drive thru, in an area where there are higher levels of deprivation combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and

Strategic Planning Committee - 31 March 2021

safe lifestyles in so far as resisting the location of fast-food establishments in areas of poor health, contrary to Policy LP47 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Pattison, A Pinnock, Sokhal, Walker and S Hall (5 votes).

Against: Councillors: Bellamy and Patrick (2 votes).

- 11 Pre-Application report - Application No: 2020/20364**
That the contents of the pre-application report be noted.
- 12 Pre-Application report - Application No: 2021/20084**
That the contents of the pre-application report be noted.

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<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 54 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2019/93658 Erection of 122 dwellings, landscaping and associated infrastructure Land at, Whitechapel Road, Cleckheaton

APPLICANT

BDW Trading Ltd/Charles
Robert Hirst/J C Nevin/I H
Brierley

DATE VALID

25-Nov-2019

TARGET DATE

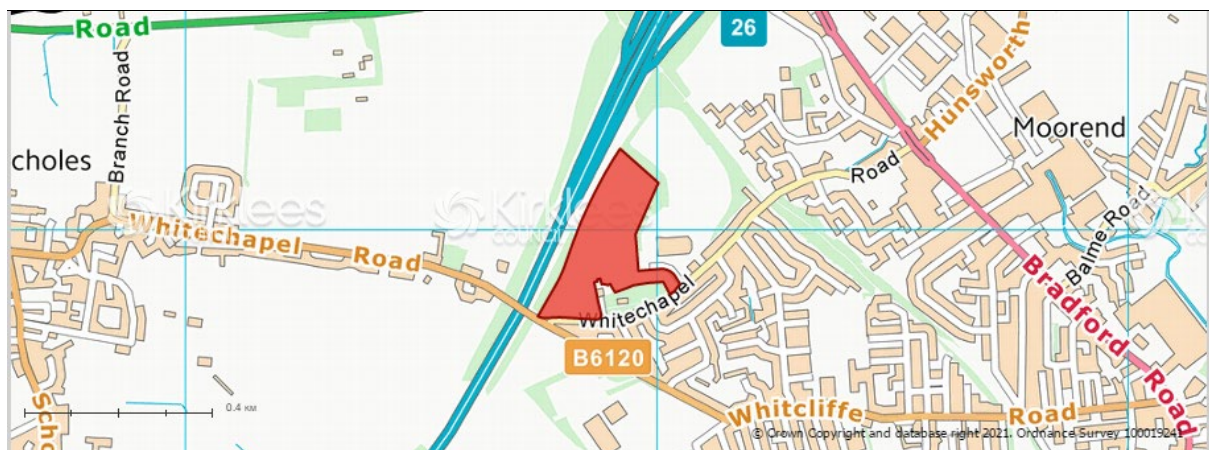
24-Feb-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 24 affordable housing units (tenure split to be 20 units would be discount for sale and 4 units would be for social or affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £71, 397 to address shortfalls in specific open space typologies.
- 3) Education – Off-site contribution of £470,709, based on 122 dwellings to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
- 4) Junction monitoring – Off-site contribution of £10,500 for 5no. Bluetooth journey time detectors at the Whitechapel Road / A638 Bradford Road / Hunsworth Lane Traffic Signal-Controlled Junction.
- 5) Core walking and cycle network improvements – Off-site contribution of £20,000 towards the improvement of a link between the site and the Spen Valley Greenway.
- 6) Bus stop improvements - £23,000 towards the provision of a bus shelter and real time information to bus stops on Whitechapel Road.
- 7) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring and a sustainable travel fund of £62,403.
- 8) Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Multi-modal link route to be delivered between the proposed estate road and the boundary of the application site, adjacent to plots 83-87.
- 10) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.2 The full planning application is made by PB Planning Ltd on behalf of BDW Trading Ltd, Charles Robert Hirst, Julia Claire Nevin and Ian Hirst Brierley.
- 1.3 The planning application was initially submitted for the “*Erection of 133 dwellings, landscaping and associated infrastructure.*” During the course of the planning application, the applicant revised the planning application to show the erection of 124 dwellings, landscaping and associated infrastructure.
- 1.4 The planning application was taken to the Strategic Planning Committee on 27th January 2021 Strategic Planning Committee, where the committee resolved to defer the application on the following grounds:
 1. Further information be provided to understand the noise impact and the proposed detailed mitigation measures.
 2. Further information be provided to understand the air quality impact and the proposed detailed mitigation measures.
 3. That further details be provided in relation to the proposed relationship with the motorway including the existing and proposed landforms and any mitigation features, including landscaping.
 4. That steps be taken to include community involvement in the development of a construction management plan.
 5. That steps be taken to look at the retention of on-site trees and for the submission of further information on the proposed tree mitigation strategy
 6. To allow officers and the applicant an opportunity to review the scheme with the aim of reducing the numbers of dwelling numbers to reflect the numbers and the heritage zones as outlined in the Local Plan.
- 1.5 To address the above matters, the applicant has revised the planning application to now show the erection of 122 dwellings, landscaping and associated infrastructure. In addition, supporting documentation has been provided in relation to the above matters:
 1. An amended site layout plan, with properties near to Whitechapel Road sited further away from the motorway edge as advised by Environmental Health. An amended Noise Assessment (SLR, Reference: 405.03696.00038 Version No: 9 Dated: March 2021) providing further details of the noise levels and the proposed mitigation measures.
 2. An amended Air Quality Impact Assessment (SLR, Reference: 410.04993.00063 Version No: Revision 6 Dated: March 2021) clearly showing the air quality situation of the site and how the development has positively responded to this constraint.
 3. Indicative site sections (JRP, Reference: 17:5076:10 Revision A, Dated: March 2021 and Reference: 17:5076:10 Revision B, Dated March 2021) have been provided showing the existing ground level and the proposed changes where there is existing ‘made ground’.
 4. The applicant has agreed to work with community representatives in the development of a construction management plan.

5. An amended site layout plan has been received showing the retention of a group of trees nearest to the motorway. In addition, an Arboricultural Impact Assessment and Arboricultural Method Statement (Ecus Ltd, Reference: 16628, Version 1.1) and Tree Mitigation Strategy has been provided (Ecus Ltd, Reference: 16628 V1.2, March 2021)
6. The applicant has reduced the number of dwelling houses from 124 dwellings to 122 dwellings in line with the housing site allocation box H97 indicative capacity.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the north of Whitechapel Road, sited behind a Public House and Whitechapel Church (Grade II listed); to the west of Whitechapel Church of England Primary School and to the east of the M62. The application site forms part of the north-western edge of Cleckheaton.
- 2.2 The site area measures 4.5 hectares and consists of several small-medium size, irregular shaped fields which are currently unmanaged. The site generally slopes from south-west to north-east from around 125m AOD to 115m AOD. There is a notable change in topography to the north west of the site which consists of part of a motorway embankment.
- 2.3 Mature trees and woodland areas can be found in and immediately adjacent to the site. Trees can be found along the site's southern boundary with Whitechapel Road and the Priory at Whitechapel Public House, as well as two groups of trees within the southern field and one group within the northern field. Many of the mature trees in the south were subject to a Tree Preservation Order in January 2020. (TPO Reference: TPO NO 1 2020" (KIRKLEES COUNCIL REF. DEV/SJH/ML/D26-1375))
- 2.4 A Public Rights of Way dissects the site (Reference: SPE/42/10 and SPE/24/40) and connects Whitechapel Road in the south to Snelsins Lane in the north, as well as with Spen Valley Greenway.
- 2.5 The site is well contained, with no residential properties adjoining it. The residential properties found in the immediate area can be found along Whitechapel Road and were built between 1958 and 1965. The residential properties are generally characterised by 2-storey detached and semi-detached buildings with hipped roof forms, some with front gable bay features, chimneys, constructed in a variety of building materials. These properties generally have spacious front and rear gardens with the properties adjacent to the site having in-curtilage parking.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 122 dwellings comprising 12x 1-bedroom dwellings; 10x 2-bedroom dwellings; 59x 3-bedroom dwellings; and 41x 4-bedroom dwellings. The proposal would also consist of 24 dwelling houses which would represent 20% of the total number of dwellings on-site, comprising 12x 1-bedroom dwellings; 10x 2-bedroom dwellings and 2x 3-bedroom dwellings.
- 3.2 Vehicular and pedestrian access to the site would be provided via a new priority-controlled T-junction with Whitechapel Road to the south of the site, approximately 80 metres to the east of the junction with B6120 Turnsteads

Avenue. A separate pedestrian link would also be provided to the south-west of the site and will meet with Whitechapel Road circa 200 metres to the east of the vehicular access. The existing Public Right of Way (PRoW) which runs through the site in a north to south direction, named as public footpath No. SPE/42/10 and SPE/24/40 would be diverted as along proposed footways within the application site. The application to divert this PRoW would be made separately to the planning application.

- 3.3 The dwellings have been arranged around a hierarchy of roads. At the access with Whitechapel Road, the proposed spine road is defined by a standard carriageway design, which splits into a number of secondary roads defined by shared surface principles and then private driveways.
- 3.4 Regarding parking requirements, the planning layout shows that each 2-bed dwelling would be provided with a minimum 1 dedicated parking space, and each 3-bed and 4-bed dwelling would be provided with a minimum 2 dedicated parking spaces. Any additional parking space would be provided via on-street parking if required.
- 3.5 Majority of the dwelling houses are 2-storeys, however, there are some 2.5 and 3-storey dwelling houses. A variety of dwelling house typologies are proposed in either in a detached, semi-detached, terrace (block of 3 dwellings) as well as apartment block (block of 4 apartments) form. Limited information is provided regarding the specific building materials. However, it is proposed to construct those dwellings within the immediate vicinity of the Church with reconstituted stone.
- 3.6 The layout shows a large public open space between Whitechapel Road, the Public House, the Church and the Primary School. Public open space is also proposed adjacent to the motorway and to the north east corner of the site. The total public open space accounts for 27% of the total application site area.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None relevant.

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

- 5.1 The applicant sought pre-application advice with regard to the residential development of the site (Reference: 2017/20325). Site layout plans and supporting information were provided, initially showing 160 dwelling houses, then 133 dwelling houses. A number of meetings between officers and the enquiry team took place and letters were subsequently provided on 25th October 2017 and 20th May 2019.
- 5.2 For the 160 dwellings scheme, the following main concerns and matters were raised as part of this enquiry process:

- Principle of residential development at the site is acceptable if the site becomes a housing allocation.
- The proposal represents overdevelopment
- Need for a clear road hierarchy
- Landscaping required between plots and along street frontages
- Car dominated design
- Use of character areas and way marker buildings

- Boundary treatments – concern about the use of 1.8m closely timber boarded fencing adjacent to streets and spaces
- Clear, unobstructed access for pedestrians and mobility impaired running directly from the front door of properties to the footway.
- Outlook of the proposed properties adjacent to the M62
- Public Rights of Way diversion and proposed alignment/design, as well as links with the wider footpath infrastructure
- Consideration will need to be given to the mobility impaired in terms of the general layout, including gradients
- Public open space requirement
- Air quality and noise considerations due to proximity with M62
- Highway design, transport, parking considerations
- Flood risk and drainage considerations, including Yorkshire Water apparatus that crosses the site.
- Appropriate ecological survey work and net gain requirements

5.3 Following the submission of a 133 dwellings scheme, similar concerns and matters were raised, as outlined above, in addition to the following:

- Acknowledgement by Design and Conservation team of the heritage considerations and the applicant's proposed areas of high and moderate significance
- The proposed access and layout should be designed to minimise the loss of mature trees on site.
- The proposed housing mix, including the provision of 20% affordable housing (54% Social or Affordable Rent to 46% Intermediate) should be justified against Local Plan policy LP11
- A high pressure gas pipeline runs along Whitechapel Road and consultation should be sought with Northern Gas and Health and Safety Executive
- The site falls within a Development High Risk Area and thus consultation should take place with the Coal Authority
- The proposed layout should be designed in accordance with the Highways Design Guide
- Consultation with Highways England regarding the site's potential impact on the motorway bund
- Ensuring that there are positive relationships between houses and the proposed public open spaces

5.4 The planning application was submitted for the "Erection of 133 dwellings, landscaping and associated infrastructure" with a similar site layout as was submitted with the pre- application enquiry. In numerous email correspondence and meetings, officers raised the same concerns with the applicant, particularly with regards to those associated with 'overdevelopment.' In addition, objections/concerns/queries were raised and additional information sought by Northern Gas, Highways England, KC PRoW, KC Crime Prevention, KC Lead Local Flood Authority, KC Waste Strategy, KC Ecology, KC Highways Development, West Yorkshire Archaeology Advisory Service, Yorkshire Wildlife.

5.5 The planning application was subsequently amended to the "Erection of 124 dwellings, landscaping and associated infrastructure" and supporting information updated, accordingly, to try and address these concerns.

- 5.6 Since the submission of the 124 dwellings scheme, further email correspondence and meetings have taken place between officers and the applicant team around the following matters:
- Securing dwelling houses that accord with the National Described Space Standard
 - Relevant planning obligations
 - Loss of on-site mature trees and mitigation measures
 - Surface water drainage strategy, with preference to discharge into off-site watercourse
 - Securing a biodiversity net gain
 - Agreement of the proposed landscape typologies
 - Agreement of the design and diversion of the Public Rights of Way
 - Section 38 highway requirements regarding highway adoption
 - Ensuring the necessary waste storage and presentation facilities
 - Crime prevention regarding the mid-terrace dwelling houses and suitable boundary treatments
- 5.7 Amended/additional plans and documentation has been received in response to the above matters.
- 5.8 The planning application was deferred by Strategic Planning Committee on 27th January 2021 for the reasons set out in paragraph 1.4 of this report.
- 5.9 After the planning committee the applicant held discussions with officers regarding the reasons for deferral and the application was amended to show 122 dwelling houses and further information was subsequently submitted. However, after concerns were raised by Environmental Health that an unacceptable number of dwelling houses would suffer from adverse noise implications, the site layout was amended and further information was provided regarding noise and air quality.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking

LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP65 – Housing allocations

6.3 The application site is allocated for housing development in the Local Plan (site allocation HS97). HS97 relates to 4.5 hectares (gross) / 3.12 hectares (net, excluding an area of open land from the developable area), sets out an indicative housing capacity of 122 dwellings.

6.4 HS97 identifies the following constraints:

- Public right of way crosses the site
- Noise source near site - M62 motorway
- Site affected by hazardous installations
- Site is close to a listed building
- Part/all of the site is within a High Risk Coal Referral Area

6.5 HS97 identifies other site specific considerations:

- The site can be accessed through the area of land identified as of high significance within the council's Heritage Impact Assessment. There should be a sensitive approach to the design of the access in order to minimise harm to the character of this area and the setting of the church. The remainder of the area of high significance should be left "open" for community uses.
- The area of moderate significance as defined in the council's HIA should be retained as open land.
- There should be a sensitive approach to building orientation, massing, height, density and layout on the site in order to minimise harm to the significance of the Church and its setting, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020)
- Green Street Principles (2017)

Climate change

6.7 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

6.8 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.

6.9 Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

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

6.11 Relevant national guidance and documents:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The planning application was advertised via five site notices posted on 12/12/2019, an advertisement in the local press dated 12/12/2019, and letters were sent to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement.

7.2 22 letters of representation were received, and redacted versions are available online. The following is a summary of the points raised:

Principle, conservation and design

- No green field sites should be developed until all brown field sites in the area have been developed first.
- Cleckheaton has had its fair share of new housing over the last few years and it's time that this stopped, Kirklees is a big area please share things instead of impacting on a site that has significant heritage and history including the church and trees.
- There is a 900 year old church with a conservation order on it which would be a shame to spoil it as I'm sure any building work will effect the foundations.
- This application is for 133 houses which is 11 more than agreed by the Local Plan.
- The applicant should respect the decision of the Local Plan Inspector and the Council should ensure that this is reflected in the decision of the planning committee.
- The Council should also ensure that the detail of its Heritage Impact Assessment used in determining the net developable area and indicative capacity during the Local Plan is reflected in the design and layout, and accords with the requirements of the HIA (i.e. the high and moderate areas of significance should remain open).
- Plans show the applicant have moved the developable area boundary with dwellings in the area of the Local Plan HIA high significance area. The applicant have no interest or regards for any damage in what this development would have on a Heritage site of high historical significance for the local and surrounding areas.
- Whilst the new plan is an improvement on the previous one, the number of houses is still far too many for this area. Why is it that the plan overrides the HIA Report of 30/1/2019 by increasing the site area from their recommended 3.12 Ha to 4.4 Ha and the number of houses from 122 to 133? Where are the 2 copses of trees off Whitechapel Road on the plan, or is it planned to remove them? The Arboricultural Survey allows for the felling of certain trees in one of the copses (G8) but retention of the rest. If the plans should eventually go ahead can it be ensured that these 2 copses will not be destroyed? What about the boundary wall on Whitechapel Road, we

hope this would be constructed in stone - as are all the surrounding walls in the vicinity.

- The church We are lucky to have such a beautiful and popular church so well preserved. The church the Priory public house and adjacent fields are part of Cleckheaton History. The picturesque view has remained unchanged for centuries. This new development would doubtless intrude on this Heritage Asset.
- We are aware that this site has already been considered by through the local planning process and it was identified that the site should be reduced in size from 4.2 to 3.12 hectors and a reduction in dwellings to 122 however this doesn't appear to have been taken into account to by the developer who had submitted plans for 133 dwellings of which 11 are still shown on the plans to be erected in an area classified as of high significance in the Heritage Impact Assessment which HIA states should only be used for access if sensitively done in keeping with the environment and to maintain the landscape and protect the views of the Heritage asset Whitechapel Church also land of moderate significance should not be built on and retained as open land. The plans submitted clearly show that the boundary recommended by HIA has been moved and has drawings of dwellings of dwellings in the area of high significance clearly showing the planners have no interest or regards for any damage in what this development would have on a Heritage site of high historical significance for the local and surrounding areas or for the current residents of Whitechapel Road .
- The plans show that the boundary wall is planned to be brick which is not in keeping with the area and should be made of stone.

Environmental quality and pollution

- Air quality must be an issue with the houses being approx. 60 metres from the M62, particularly during the morning and evening rush hours, with traffic congestion (8 lanes of stationary and slow moving traffic emitting toxic fumes) and the prevailing westerly winds will make the situation worse. This will burden the already overstretched NHS.
- The air quality at Chain Bar roundabout shows alarming results and I believe the air quality will be far worse at Whitechapel Road.
- Existing residential properties suffer from noise pollution from the motorway so it is likely that the proposed houses will also suffer and even more so being located closer to the motorway.
- The proposal will result in additional traffic which will have an unacceptable impact on noise and air quality in the local area, impacting on school children, residents and the general public.
- Many parents wait in their vehicles with the engine running (sometimes up to 30 minutes. Not only is this illegal, it also represents an unpleasant health hazard for residents pedestrians and for the children at the nearby school.
- Current studies show that there is a significantly higher risk of respiratory disease for people (particularly children) living near busy roads. This development puts 133 houses right next to the very busy M62. Not to mention the noise of the traffic!
- The Air Quality Assessment shows that they would be living in levels of pollution often above those of the centre of Leeds and Manchester Piccadily. These figures will only rise in the future with more and more slow moving heavy traffic.

- Serious concerns about the air and noise pollution associated with the development, because of the proximity to the M62. The residents of the houses on the perimeter of the motorway will be condemned to ever increasing levels of traffic fumes and noise.
- 133 homes are likely to have at least one car each, adding to air pollution and traffic congestion in an already heavily polluted and congested area.

Infrastructure

- Reduce the amount of houses proposed as there is currently too many houses proposed which will have an adverse impact on the local infrastructure – schools, doctors, roads.
- As Cleckheaton has a very close link to the motorway surely some of the new buyers will be from out of town and not locals re allocating- so therefore will have to access local amenities.
- Local schools are oversubscribed
- GP surgeries and dentists patient lists are full. By increasing number of individuals would make it more difficult to make appointments.
- We feel very strongly that this site on this road after the 3 developments at the bottom of Whitechapel Road will add to more traffic chaos, more pollution, more toll on Cleckheaton's infrastructure.
- Negative impact on the quality and availability of local services.
- Many modern homes have 2 or 3 toilets and/or bathrooms placing strain on sewage, drainage and water provision. Much land is likely to be paved over, leading to flooding risks.
- There are no leisure facilities in Cleckheaton since the demise of the sports centre, the local library is run on a shoestring by volunteers, and the town hall offers only limited services.
- Local shops are small and are mostly quite specialist.
- This development is out of place and not needed. How will it meet a housing need? How does it provide an economic benefit for Cleckheaton?
- Together with other developments (e.g. Hunsworth Lane) in the local area, it would require a substantial investment in additional local services to make these developments feasible- something that I feel as we are on the extremity of the council boundary Kirklees are unwilling to make.

Highways and transportation

- How can a narrow road like Whitechapel road accommodate the addition number of cars. At peak times, the road reduces to a single car width, how is this safe?
- The new residents will commute to Leeds or Manchester as there are not the jobs or facilities in Cleckheaton.
- The garages will not even accommodate a small car.
- Whitechapel Road is used as a rat run to junction 26 of the motorway, particularly when there is an accident on the M62, with ever increasing traffic particularly at peak times. More houses mean more traffic on this road.
- Whitechapel Road is already an extremely busy road since they extended Whitechapel School, there is also another school/college above the road which adds to the chaos.
- The development will worsen the school opening and leaving times where there are serious traffic and parking issues as well as highway safety issues on Whitechapel Road, which also impact other local roads at least 200 metre either side of Whitechapel School.
- Residents on Whitechapel Road opposite (the only access road to the development) need to be able to park vehicles outside their houses. Surely

in the interest of safety there can be no parking either side of this access road. This will result in 15 to 20 fewer parking spaces for parents picking up or dropping off and push the chaos further down the road.

- Potential residents are not likely to walk and cycle to work in Leeds and buses are not regular enough to use, thus more car use and greater impact on the M62 junction 26.
- Whitechapel Road suffers from speeding traffic and residents find it difficult to get out of their driveways.
- There is currently a parking issue on local roads (being monitored by highways and the police) which this development will impact on.
- The proposal will result in a greater number of accidents on Whitechapel Road.
- How will we manage with trucks up and down, mud everywhere making it slippery and accident prone. Is someone going to ensure the road is clean and our cars on the roadside are safe.
- Adding a number of properties and therefore more families to the area will make traffic worse, potentially dangerous, especially now the council has removed the crossing patrol.
- There are also 5 bus stops, used by the 259 and the 256. These buses often cannot access the stops because of parked cars (often associated with school pick up/drop off), leading to more congestion. The subsequent use of Kenmore Drive and Turnsteads Drive as rat runs to avoid this, becomes extremely hazardous for those living in these residential streets. The development will exacerbate this issue.
- Local roads are a patchwork of potholes.
- All the roads are B roads.
- Travelling to school be adversely impacted.

Biodiversity and trees

- Concerns about the wildlife that live in the identified area: squirrels, bats, owls that will be adversely affected due to a reduction in their habitat
- There are also trees that are 100's of years old in this area. I strongly oppose any building work of this size at this site.
- There is plenty of wildlife living in the fields and it will disrupt their living leaving them homeless.
- There will be significant tree loss at the site. Well established old trees will be lost which provide vital habitat for wildlife.
- The potential loss of the ancient trees that surround the field and provide a vital wildlife link to the Greenway and the open areas beyond. The trees are vital to the dozens of species that we regularly see, including tawny owls, bats, hedgehogs, woodpecker, nuthatch, fieldfares, sparrow hawk, dunnoek, waxwing, goldcrest, greenfinch, tree sparrow, thrushes, chaffinch, rooks and so many more too numerous to mention. This precious habitat should not be destroyed at the very time when we should be so aware of how we treat our environment.

7.3 The following comments were also received from the following organisations:

Spen Valley Civic Society

This site was considered through the Local Plan process – we believe the reference number to be H508 - and was approved as a housing allocation. The civic society made representation in respect of this site and we participated in the hearing, and consequently respect the decision to allocate as housing. A number of major modifications were made following the hearing, by The

Planning Inspector, one of which does not accord with the detail of this application. These included a reduction of the net site area from 4.5 to 3.12 ha, and a reduction in the indicative capacity from 170 to 122 dwellings. This reduction was required to take account of the Heritage Impact Assessment undertaken by the council which identified areas of high and moderate significance, with the area of moderate significance as defined in the council's HIA being retained as open land. The area of high significance was to be made available for access to the site provided there was a sensitive approach to the design of the access in order to minimise harm to the character of this area and the setting of the church. The rest of the area of high significance should be left open. This application is for 133 houses which is 11 more than agreed by the Local Plan. The applicants should respect the decision of the Local Plan Inspector and the Council should ensure that this is reflected in the decision of the planning committee. The Council should also ensure that the detail of its Heritage Impact Assessment is reflected in the design and layout, and accords with the requirements of the HIA.

Whitechapel Church of England Primary School (Headteacher)

Thank you for your email regarding the planning application for a significant number of houses on the land directly next to our primary school.

As a home owner myself, I appreciate the need for houses to be built so would only wish to raise concerns linked to the safety and safeguarding of children at our school whilst the houses are being built and after they have been completed.

My main concerns would be:

1. There is a right of way through our main drive to the fields and I would need reassurance that builders would not use this access.
2. Linked to this access the fields itself are open to the school carpark and grounds and therefore would request that the building firm/company erect the security green fencing before starting works in order to seal the entrance to the field and therefore stop children accessing the building site. This would need to be permanent green fencing as once the house are built they would be able to access the school grounds if fencing is not erected.
3. Linked to the security green fencing the fields to the back of school are also accessible from the grounds. Should the housing development go ahead – then the perimeter green fencing would also need erecting here in order to safeguard the children and the site. This is not something school would afford to do under current budgets and therefore I would request the company to erect/provide the cost for the fencing to safeguard the children in our school.

These are my main concerns regarding the development and I would like reassurance that the safeguarding of the children in school would take high priority. I would be happy to meet to discuss and a visit to school may be beneficial in order to show you the areas as discussed above.

7.4 In response to the consultation, the applicant submitted revised plans and documentation showing a reduction of dwelling numbers from 133 dwellings to 124 dwellings. The planning application was re-advertised via five site notices erected on 22/07/2020. Emails and letters were sent to interested parties and addresses adjacent to the application site.

7.5 10 letters of representation were received, and redacted versions are available online. The following is a summary of the points raised:

Principle, conservation and design

- There have been a lot new homes built on Whitechapel Road in recent years and I think the local residents have already had more than our fair share of noise and road disruption.
- Surely in 2020 we should be able to find sites which are more suitable for building homes which are healthy to live in for the residents than this site so close to the M62
- A 900 year old church in the area which will surely suffer structural wise with all the earth moving equipment
- Still contrary to the Heritage Impact Assessment (HIA) as the plan still shows the boundaries in the HIA have been changed which will mean houses built on land of moderate significance which was to be left open to protect the views and setting of Whitechapel Church
- The size of the housing development is far too large to not have a negative increase on noise disruption, air pollution, traffic congestion and a irreversible negative impact on the significance of the heritage site and surrounding landscape: copses that needs protecting.
- We still believe that green field sites should not be developed until brown field sites have been developed first.
- On viewing the revised plans for this development it is obvious that they still show no consideration for local residents or the surrounding area, by adding flats to the development it will undoubtedly mean even more vehicles using Whitechapel Road.

Environmental quality and pollution

- Unethical to sell houses on the proposed site as family homes, as they will be so close to the noisy and fume-laden M62 motorway.
- The proposed houses would not have the luxury of the existing houses that are sited away from the motorway and benefit from a number of mature trees protecting them from noise and air pollution.
- The proposed homes will be harmful to the physical and mental health of the residents - it is likely they will have to keep their windows closed at all times due to the noise pollution.
- Building houses near to the proximity of an 8 lane motorway is condemning the next generation to health problems and diseases linked to toxic air pollution as the stretch of motorway is regularly at a standstill.
- The building of dwellings in close proximity to an 8 lane motorway and
- adding to the congestion of the roads near the proposed site is condemning the new residents to a ticking time bomb of health conditions: asthma or worse due to poor air quality which will add increased burden on the already over subscribed NHS health services in the area.
- From what we have deduced the Toxic fumes have been monitored in the Summer when the leaves are in full bloom and the absorption of fumes is much better due to all the leaves on the trees It is hard to ascertain from the new plans what the boundary wall will be constructed from but it should be stone as in keeping with the area
- From the reports it's stated that the junction of Whitechapel Rd/A638 Bradford Rd/Hunsworth Rd is expected to operate marginally over capacity in the design year in the absence of the development proposal so with increased traffic generated from a development of 122 dwellings approximately 200 additional cars congestion will be significantly increased and the proposed site will increase noise disturbance and increase poor air pollution that has already failed in the area due to toxic fumes.

Infrastructure

- New residents are unlikely to be locals and as such there would be an adverse impact on local amenities – schools, doctors, dentists, etc
- With other new builds, this development will overload the small town of Cleckheaton
- The local infrastructure can't cope with anymore large building developments: schools, roads and health care provisions are all at breaking point.
- I understand the need for housing but this road is not the place for it two developments have been built at lower down Whitechapel Road in recent years and I think enough is enough
- There is also the possibility of an industrial estate being built up the road which will further impact on the local area

Highways and transportation

- Rat run traffic between Scholes and Cleckheaton accessing the motorway and other roads which this scheme will worsen
- Impact on already parking issues associated with Whitechapel Primary School
- Regardless of the number of houses being reduced, this road cannot take such an increase in traffic. I'm pleased to read that the Highways department seem to agree on this.
- I urge the planning department to view the road at various times on different days to see how the traffic already has navigate the parked cars on this road. In particular at the times when the local school starts and finishes
- Most households now have at least 2 cars per household, that would result in over 200 extra cars using Whitechapel road in either direction
- The main road through Scholes would be impacted by this increase.
- Buses and cars stuck between parked cars at school opening and closing times, which this development will affect.
- Concern about the accuracy of the supporting highway information - the reports on traffic are saying that the traffic impact would be minimal when at busy times Whitechapel Rd already has queuing at the junctions at the top and bottom of the road and at school times drop off and pick up the road is impassable with residents having to time leaving and returning home.
- Concern that the highway /traffic reports and data have been updated and assessments completed during these unprecedented times when traffic movement was at an all time low due to the government lockdown Stay at Home, which will have given a false recording of the problem of traffic congestion on Whitechapel Rd.
- Traffic congestion will significantly increase with 124 properties with on average 1/2 cars per household, and only one entry/exit onto Whitechapel Rd which will then continue to significantly add to the already failing air pollution and increase of noise
- Also it's worrying that traffic data is only collected once residents have moved in, which is too late to reverse planning permission
- I'm also objecting to the PROW which currently goes through fields encouraging walking which on the plans has been addressed and moved to go down the road on the development this is not a compromise as anybody can walk down a road but who wants to.
- The new submitted plans the only road for the development has been moved lower down which will significantly impact on our privacy as every vehicle leaving will directly look onto our property with headlights shining into our windows.

- I understand that traffic surveys have been carried out but a few random checks do not give the full picture.

Biodiversity and trees

- We also have concerns about the wildlife that live in the identified area: squirrels, bats, owls that will be adversely affected due to a reduction in their habitat.
- The plans to build a development of 124 houses will have considerable negative effects on the area taking away the natural habitat for animals and open fields for encouraging walking and exercise which within the area is becoming a very limited resource.
- Barratts seem intent on ignoring the area of high significance and the Tree Preservation Order. The 2 groups of trees, numbers G7 and G8 have a TPO on most of the trees within them
- Reference provided to KC Trees response
- If Barratts are allowed to chop down these trees along with those which must be removed for the site entrance, no matter how many trees replace them, they will take many years to achieve the same filtering effects as these mature trees.
- There are TPO's on trees that are shown on the plans to be felled this includes the copses which are of historical value and interest to the area and should be protected. The plans show new trees to be planted in place of trees to be felled which have been around for decades but this would have no beneficial benefits to minimising noise from the M62 in the way of a buffer or more importantly to reduce air pollution for years adding to the already failing air pollution in the immediate area which is linked to the high volume of traffic within the area.
- At least 30 species of birds will be affected by this development with the loss of their habitat, particularly with the loss of the mature trees.

7.6 The following comments were also received from the following organisations:

Spen Valley Civic Society

We consider the comments we made in respect of the original application remain valid. We note that the number of houses proposed has reduced to 124, which is positive, but we remain of the opinion that the number built should be the same as that agreed at the Local Plan ie 122. We cannot see what is the difficulty in sticking to this number, and respecting the outcome of the Local Plan process. Similarly we would expect the requirements as outlined in the Council's Heritage Impact Assessment to be fully complied with, to ensure that the design and layout accords with the requirements of the HIA and Local Plan. We are relying on the officers of the Council to ensure that this happens, and so ensure the heritage of the site is properly protected.

7.7 After the receipt of amended plans and additional information that included a revised drainage strategy another re-consultation exercise was carried out by letter, including residents further afield along Whitechapel Road and at Laithe Hall Avenue.

7.8 8 letters of representation were received, and redacted versions are available online. The following is a summary of the points raised:

Principle, conservation and design

- There will be a detrimental effect on the character of the area with a large housing estate, especially close to a heritage area.
- No consideration for protecting a significant heritage site of Whitechapel church and the copes that need to be protected.
- In October 2020 the police said they cannot support the plan. Have their concerns been addressed?
- Irreversible negative impact on the significant Heritage site and surrounding landscape including the copes which need protecting for historical value to the area.
- Very little has changed in the plans.
- According to the Consultation responses the Police Crime Prevention department are not supporting the application what is being done about their concerns?

Environmental quality and pollution

- Negative increase in noise and air pollution from an increase in traffic in an already heavily congested area.
- The use of the proposed public open spaces would be detriment to the health of residents as they would be exposed to the proposed noise and air pollution associated with the motorway
- Future residents will suffer from long-term negative health impacts due to noise and air pollutions.
- The re-distribution of the spoil mound, created when the motorway was constructed, to the northern lower lying area would lift that area by 2 - 2.5 metres. This would mean that the houses on the M62 boundary would be brought down to a correspondingly lower level, bringing them nearer to the level of the motorway, and nearer to the associated noise and air pollution. Has the issue of proven noise and air pollution been resolved? We think not.
- The increase in traffic obviously emits toxic fumes and so will contribute to the increase of breathing related illnesses or worse an increase burden on an already over stretched NHS.
- Detrimental effect on the character of the area with a large housing estate, especially close to a heritage area and how can this be in keeping with the UK government A Green Future: plan launched in January 2018 a 25 Year Plan to Improve the Environment The Plan lays out a range of goals and policies designed to 'help the natural world regain and retain health.'

Infrastructure

- Oversubscribed local amenities.
- Negative impact on already over- subscribed amenities and on the local infrastructure.
- Cumulative impact on local infrastructure as a result of other developments in the locality, including 80 apartments off Kenmore Drive and 203 houses on land in Westgate, Cleckheaton, between Robert Street and Quarry Road.

Highways and transportation

- Whitechapel Road will be increase traffic, increase pollution and increase "rat run" And there will be more cars parking on roads when school hours, perhaps on path if really narrow for roads, such as like bus go through also I am concern for wheelchairs will be struggle to access through it on the path.

- The proposed “No waiting at any time” restriction be put on Whitechapel Road. This would be an additional problem for current residents - where would their visitors or any delivery drivers be expected to wait?

Biodiversity and trees

- Negative impact on the natural habitat for wild animals with removal of open space and removal of TPO trees.
- Disregard of biodiversity and thus, contrary to the NPPF.
- Net loss of biodiversity that is inconsistent with the NPPF.
- The plans feature the removal of a number of mature trees, some of which are subject to TPOs which is inappropriate.
- In December 2020 Yorkshire Wildlife Trust said that the loss of biodiversity made the plan currently unacceptable. Has this been addressed?
- Concerns raised about the loss of the two areas of protected trees as per KC Trees comments.
- Public right of way moved to the road not acceptable, removal of healthy TPO trees and natural habitat being taken away from wildlife not acceptable.

7.9 Spen Valley Civic Society, provided the following comments:

“We think it will be considered as lobbying, and is not our preferred method of communicating our views, but feel we have no alternative. We have already submitted written comments during the consultation period. We continue to support the principle of housing on this site; however the Council’s report, which has only become available for us to consider on publication of the agenda, contains details relating to ecology/biodiversity that had not previously identified as being problematic. Specifically our concerns are the proposals to remove a large number of mature trees, many of which (18) are subject to TPO’s. We see this email as the only effective way of communicating our concerns at this stage in the proceedings.

Spen Valley Civic Society spends many hours planning, raising funds and planting trees in the Spen Valley in order to improve and extend the limited green infrastructure and biodiversity in our area. It is very distressing and disappointing for us to see our efforts being undermined by recommendations such as the ones presented in this report. It must also be very demoralising for Council officers and experts from other organisations such as Yorkshire Wildlife to have their conclusions, based on their professional knowledge and local and national guidance and policy in respect of the Climate agenda, completely disregarded.

Are we the only ones to think it is absurd that the Council placed TPO’s on the trees in January 2020 with the specific intention to prevent their destruction in the subsequent housing development, only to recommend their removal 12 months later, to permit the housing development to proceed based on the preferred site plan of the developers. What has changed? The TPO’s are doing what it was intended they would do – protect the trees! The Council has got its priorities completely wrong, and needs to acquaint itself with the national and regional climate change agenda and direction of travel. It should be for the site developers to come up with a design plan which promotes and protects the existing green infrastructure. If that means building fewer houses on the site, then so be it. If the Council needs to make up the shortfall, we can direct them to a number of unused (Council owned) sites in the Cleckheaton area which are suitable for housing.

The suggestion by Development Management that the proposed planning conditions can deliver an appropriate tree mitigation strategy and deliver ‘an

overall biodiversity gain', is frankly unbelievable. The condition referred to is as follows – a contribution, amount to be confirmed, towards off-site measures to achieve biodiversity net gain. Or to put another way, an unknown amount of money for somewhere not yet identified. The Development Management Group must be the only people who still think that the planting of new trees (ie saplings), fully compensates for the loss of mature trees – or at least not for the next 30 years or so. The Local Plan identified that Kirklees is way below the national average for tree cover, and North Kirklees is even further down. We need more trees, not inferior compensatory planting. This site in particular needs all the trees it can get. It is immediately adjacent to the M62 at the point where it is joined by the M606. Consequently it suffers noise and air pollution. All the existing trees have an important role in combating the air pollution and dampening down the noise, not just for the new residents on this site, but for those existing residents in nearby properties, who have benefitted from their presence.

The Planning Committee should refuse to endorse this application until plans are presented which retain all the mature trees on site, and truly deliver a net gain in biodiversity.”

7.10 After the receipt of an amended site layout plan showing 122 dwellings, emails and/or letters were sent to interested parties and addresses adjacent to the application site. Consultation took place between 25th February 2021 and 11th March 2021.

7.11 9 letters of representation were received, and redacted versions are available online. The following is a summary of the comments received in relation these specific amendments:

Principle, conservation and design

- We have not seen any reference to the boundary wall/fence. What form would this take, design, material, height, etc?
- Why can we not require Barrett Housing (profits in 2019 of 95 million) to make good the neglected stone wall boundary and save as many of the trees as possible?
- Who has decided on the position of the arbitrary line, called the 'zone of heritage influence'. I think this heritage asset should include the old established tree circles.
- Inarguably, this development chops off the church and the pub from the wildlife corridor to NW. Massive loss of habitat. Not so bad if the top field is left alone.
- The designers have no real appreciation of our area.
- Although in the amended plans one of the copse is shown to remain the other copse is still at risk of felling not for road access but to accommodate dwellings in a highly significant area that should be protected and only used for access if sensitivity done to protect the views of the Heritage asset of Whitechapel Church and surrounding landscape.

Environmental quality and pollution

- A reduction in numbers still does not address my concerns regarding noise and air pollution, in relation to its proximity to the motorway.
- Unethical to grant planning permission for houses near to a motorway on health grounds.
- Committee members should stand on the embankment and LISTEN and "appreciate" the motorway.

- What is the point of me taking individual responsibility towards the environment; recycling, composting garden waste, planting trees, having a pond etc. when my council seems unwilling to press developers to do the same?
- Planning permission should be rejected as the site albeit fields is not suitable to meet the basic rights and needs of any of the residents and there must be more suitable alternatives so that Kirklees can uphold their duty of care in prompting healthy and sustainable lifestyles for their residents.
- The Barratts site at Morley is not comparable to this development site.
- There are no other development sites nearer to a busier motorway junction - Most other housing along the motorway is set well back from it, with good reason.

Infrastructure

- Lack of amenities and infrastructure to cope with this scale of development.
- A reduction in houses does not address issues of road congestion and oversubscribed services – The Council should put forward a plan to revive services in Cleckheaton before this development is allowed.
- The high pressure gas main running under the site entrance needs all workers to be well informed of it's presence.

Highways and transportation

- Whitechapel Road has one of the best road surfaces around. Barratt's must be made to ensure it remains so
- The setting of Spenborough Greenway will be adversely affected and will now wind through housing estate roads.
- What about the additional traffic?
- I'm also concerned that Highways have stated no deliveries to and from the site via the M62 J26 during peak hours which again indicates the road infrastructure is unable to cope.

Biodiversity and trees

- The amended plans still shows the loss of TPO trees to accommodate houses, which is not acceptable as outlined in the NPPF regarding biodiversity and green infrastructure, management, protection and enhancement.
- Why doesn't the plans show the retention of both copses of trees?
- Loss of trees would impact on birds, owls, bats and insects.
- The loss of mature native trees with non-native species of trees surely goes against your environmental policies.
- Loss of mature trees is contrary to Council policy and numerous national agendas to plant more trees.
- The bat surveys are not thorough enough and could be inaccurate. They should have been carried out more frequently and for a longer duration.
- Veteran trees should be protected as the saplings shown to be planted are not native species and will take decades to start to show any benefit to the net biodiversity and green infrastructure of the area.
- Loss of trees doesn't fit well within Kirklees Climate Emergency 2019.

Other matters

- There still remains a number of outstanding concerns by several official bodies.
- Unfair process as comments regarding the previous plans submitted had to be submitted by the end of the first week of Jan although not all information had been put online prior to this time and where only uploaded onto the site after the comments date had closed.

7.12 Since the planning committee, ward members have provided the following observations and comments:

Summary of Cllr Andrew Pinnock observations and queries:

- Keen to preserve the two clumps of trees due to their local historic significance, where they were probably planted before WW2 for farm animals to shelter.
- Does the layout comply with the separation distance that the Inspector said should be maintained between the development and the church? And does this separation apply just to buildings or to any kind of development?
- Request for additional information regarding the existing 'made ground' that is parallel with the motorway.
- Questions raised regarding what the improvements are to the Public Rights of Way network, outside the northern edge of the site as the actual line goes through the school's playing fields.

Cllr Kath Pinnock concerns:

1. The site is right next to the motorway and a row of houses will be built parallel to it. I am very concerned that the noise from the M62 will make living there unbearable unless measures to mitigate noise and air pollution are in place. The detailed plans for this were NOT available at the previous meeting. I see that some mitigation is in place but how far will this reduce noise levels for occupants of those houses? Is triple glazing being required?
2. A lot of the soil from earthworks when the M62 was constructed is piled as a mound along the side of the motorway exactly where these homes are to be built. The plans on the website do not show what underground conditions are like and how houses there can have firm foundations. I am very concerned about this and expected the developer to provide full details of how firm foundations can be achieved. So far that has not been made public.
3. To the east of this mound is a steep slope on which houses are proposed. There is insufficient information to explain whether or not the site will be levelled. All this is standard information for this sort of application but not yet provided.
4. The developer has changed the plans to retain one of the two circular clumps of trees on the site which is positive. I hope the other clump of trees to be retained as well.
5. I do not like the current plan to re-route the PROW to run parallel to the M62. Why can't it be routed along the other boundary which will mean it will be away from the noise and fumes from the traffic on the M62.

7.13 After the receipt of another amended site layout plan showing 122 dwellings, emails and/or letters were again sent to interested parties and addresses adjacent to the application site. Consultation took place between 30th March 2021 and 14th April 2021.

7.14 To date, 5 letters of representation were received, and redacted versions are available online. The following is a summary of the comments received in relation these specific amendments:

Principle, conservation and design

- Disregard of the negative impact on the Heritage site: Church and copses.

Environmental quality and pollution

- The Barratts site at Morley is not comparable to this development site as the houses are sited further away from the motorway.
- This site is not appropriate for new housing due to being sited adjacent to the motorway.
- Concerns remain the same as previously submitted which are increased noise and air pollution in an area already failing on air pollution due to heavily congested roads due to the close proximity of the M62 motorway.
- In the current and foreseeable future due to having to learn to live with COVID 19 and the government guidance is fresh air and opening of windows to minimise the risk of catching/spreading the virus I cannot see how new homes failing on internal noise can be considered and or approved for planning.

Infrastructure

- Overpopulating a small community with inadequate amenities and infrastructure.
- Concerns have still not been addressed with regards to the increase in traffic, noise and air pollution, oversubscribed amenities: schools, GP and Dentists
- The plans do not adhere to the conditions by Yorkshire Water regarding the existing public sewer and will effect the intended replacement of mature trees on site.

Highways and transportation

- Public right of way on the amended plans is still walking through the development following the roads not acceptable.
- Major concerns as the proposed site only has one entry/ exit on Whitechapel Road which will inevitably increase the volume of traffic as indicated in the results of assessments undertaken showing that the main junction of Whitechapel Road/ Bradford Road/ Hunsworth Lane is predicted to operate over capacity within the next few years due to background traffic growth and committed development.
- Concerned that Highways have stated no deliveries to and from the site via the M62 J26 during peak hours which again indicates the road infrastructure is unable to cope.

Biodiversity and trees

- Residents would like the retention of both copses of mature trees and not build on either.
- KC Trees do not support the removal of either of the 2 copses of trees for the sake of 3 houses.
- Loss of trees doesn't fit well with Kirklees Climate Emergency 2019.
- Disregard for the habitat of birds and wildlife living within the designated area.

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

7.16 Responses to all these comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 The following provides a summary of consultee advice. It should be noted that some consultees have chosen not to provide further comments on the latest 122 dwellings scheme, given the changes made. Where necessary, further details are contained within the appraisal below (Section 10).

8.2 Statutory:

Health and Safety Executive: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Highways England: No objection, subject to conditions requiring further details regarding works 15 metres from the Highway England boundary; consultation on a Construction Management Plan; drainage to not connect or impact on the Strategic Road Network drainage systems; and construction cannot commence until Highways England has provided written confirmation that boundary fencing arrangements as well as its maintenance regime are acceptable.

KC Highways Development Management: No objection subject to planning conditions for internal adoptable roads, measures to manage parking, construction access, residential travel plan and planning obligations for blue tooth journey time detectors, bus stop improvements, core walking and cycling improvements, multi-modal link route and provision of sustainable transport measures. Notwithstanding, and for completeness the following requests have been made:

- The layout incorporates 4 formalised visitor parking spaces, it is accepted that in developments of this type, visitor parking will take place on street. The layout should show where potential visitor parking can be accommodated on street and demonstrate using swept path analysis that this will not obstruct refuse vehicle access.
- Clarify access arrangements for proposed pumping station in northeast corner of site. Access will be required for inspection and routine maintenance.

KC Lead Local Flood Authority: No objection, subject to the necessary planning conditions and obligations:

1. Enabling works – in principle agreement between the applicant and LLFA. Subject to agreeing details around the criteria for exhausting option A, working up the details of the design and works proposal and agreement with landowner;
 - a. Prior to commencement Condition offsite works;
 - b. Prior to commencement Condition Design and details of the works;
2. Drainage – in principle agreement:
 - a. Prior to commencement Condition required for fully worked up design with long sections;
 - b. Prior to commencement Condition require to manage any volumes up to 1 in 100 year plus climate change specifically the flooding noted in microdrainage calculations at the head of systems;
 - c. Prior to first occupation Condition requiring management and maintenance agreement (this must be in the S106 too);

- d. Prior to commencement Condition for temporary works information and management and maintenance during construction phase;

The Coal Authority: No objection.

8.3 Non-Statutory:

Historic England: No comment.

Natural England: No comment.

KC Building Control: A building regulations application will be required.

KC Conservation and Design: This application has been the subject of much discussion at Local Plan Inquiry Examination and preapplication discussions in regard to the impact upon the setting of the Grade 2 listed Whitechapel Church. Has part of the Local Plan inquiry the Council produced a Heritage Impact Assessment which is referred to in allocation HS97 of the adopted Local Plan. The inspector stated, comments are in the allocation, that the area of high significance and of moderate significance should be retained as “open land” apart from forming an opening to the development through the area of high significance. However, during the inquiry the and subsequent pre-application discussions it was agreed that the boundaries of the HIA areas of significance were somewhat arbitrary since they did not follow defined boundaries and did not necessarily protect the views and setting of the church. In terms of the high significance area it was agreed to pull the boundary further south to the front edge of the former public house and form a similar diagonal to the west to the low point of the land. In terms of the moderate area the line was pulled south to follow the line of the school boundary. These changes are now accurately reflected submitted site layout. In terms of the layout and its impact upon the setting of listed church I am of the opinion that opportunities have been taken to minimise the harm to the setting and this is the case in terms of the massing and orientation. I am therefore of the opinion that the requirements of the allocation have been met and as such the proposal is acceptable in terms of the impact upon the setting of the church.

KC Ecology: No objections, subject to conditions regarding ecological harm. Request for the submission of amended biodiversity metric 2.0 calculations to reflect the new site layout and the above amendments to demonstrate a biodiversity net gain in habitat units post-development. If a biodiversity net gain cannot be achieved on-site, submit a suitable biodiversity offsetting scheme or agree to a commuted sum for the LPA to facilitate the required biodiversity offsetting.

KC Education: Financial contributions sought (£254,403) & (£216,306).

KC Environmental Health: No objection, subject to the imposition of planning conditions for noise and ventilation, air quality, electric vehicle charging points, land contamination, construction environmental management plan.

KC Landscape: No objection, subject to the necessary conditions securing hard and soft landscaping details, which also secure the necessary tree mitigation planting and biodiversity net gain. The management and maintenance of the on-site Public Open Space as well as a financial contribution of £72,608 towards off-site Public Open Space shall also be required to be secured by section 106 agreement.

KC Policy: Commentary provided regarding which policies to consider in the determination of the planning application.

KC Public Health: No objection. A number of observation comments provided.

KC Public Rights of Way: No objections, subject to the necessary planning conditions securing further details on the proposed changes to the PROW. In addition, planning obligations are sought seeking to secure a multi-use link route to the north west of the site and a contribution of £20,000 towards the improvement to off-site PROW network.

KC Strategic Housing: Unable to support an affordable housing provision that doesn't adequately address the need for affordable rented accommodation.

KC Trees: Objection due to the loss of protected trees, contrary to Local Plan policies LP24 and LP33, as well as NPPF paragraph 127.

Northern Gas Network: No objection and willing to rely on their statutory powers if necessary.

KC Waste Strategy (Refuse and Cleansing): No objection, subject to resolving outstanding highway adoption issues. Concerns are expressed about bin storage for mid-terraced properties. A condition is recommended for a temporary waste collection strategy.

West Yorkshire Archaeology: No objection.

West Yorkshire Police Designing Out Crime Officer: Concerns expressed regarding the proposed shared rear access for mid-terrace properties, relationship between some plots and the public rights of way, boundary treatments and position of gates. Request also made for further security information regarding cycle stores and lighting of the private drives. Acknowledge that these matters can be secured by planning conditions.

Yorkshire Water: No objection subject to securing the necessary planning conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Yorkshire Wildlife Trust: Welcome the submission of a biodiversity net gain assessment, though queries are raised regarding how the site has been assessed.

9.0 MAIN ISSUES:

- Land use and principle of development
- Climate change and sustainability
- Heritage
- Design
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Impact on the Public Rights of Way
- Flood risk and drainage issues

- Trees
- Biodiversity
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL:

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 In accordance with Local Plan policy LP65, full weight can be given to site allocation HS97, which includes the application site's red line boundary, and which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H508) explained how the site's relationship with the wider countryside is restricted due to the presence of the nearby M62 motorway and local roads to the north and south. It was considered that the motorway and existing buildings to the east would create strong new defensible Green Belt boundaries. The Inspector concluded that there were exceptional circumstances exist to justify the removal of the site from the Green Belt.
- 10.4 Therefore, the principle for the proposed delivery of a housing development on the land within the red line boundary is accepted in accordance with the land's allocation in the Local Plan.
- 10.5 The Local Plan Site Allocation box HS97 set out a number of constraints and site specific issues for these housing sites. These are all addressed within this appraisal.

Climate change and sustainability

- 10.6 The applicant's Planning Policy Statement, Design and Access Statement as well as Health Impact Assessment refer to climate change and sustainability policies, and also refer to the drainage measures to combat climate change. The applicant has also submitted a Climate Change Statement acknowledging the Council's climate change emergency. The statement explains how the potential housebuilder is reducing its carbon emissions and its climate change

commitments. Site-specific features have also been identified that will protect and improve the environment, which officers acknowledge. Officers note, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate enhancement and connection with the core walking and cycling network, provision for cyclists (including cycle storage for residents) and electric vehicle charging points would be secured by condition and obligation, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would be required to account for climate change and an underground storage attenuation tank is proposed to ensure the site achieves the necessary 30% climate change factor.

- 10.7 The application site is a sustainable location surrounded by an established residential area, it is adjacent to a Primary School, a Church and there is a newsagent/off licence as well as a Secondary School nearby. The supporting information also shows that there are also other shops and services within 2km of the application site, including Cleckheaton town centre. In addition, the site is located on Whitechapel Road, which is a bus route that provides access to Brighouse and Bradford. The site is also located on a public rights of way network that connects to the Spenn Valley Greenway, which are part of the borough's core pedestrian and cycle network. Therefore, some of the daily, 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.
- 10.8 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.

Heritage

- 10.9 One of the main site's constraints is the neighbouring Whitechapel Church, which is a Grade II listed building and together with its graveyard denotes the site's southern boundary with Whitechapel Road. The Historic England listing explains that the Church is listed for the following principal reasons:
- *"Date: the church, on the site of earlier chapels, pre-dates the Victorian period and contains several fragments of the earlier buildings on the site;*
 - *Architecture: the style of the building is a modest Gothic Revival, but has added interest in a corbelled tower at the western end with bell-chamber and restored spire. The exterior is largely unaltered apart from the addition of a south porch of 1923 that commemorates the fallen of the First World War;*
 - *Fittings: fittings of interest include a substantial carved Norman font, a sundial of 1606, several fragments of earlier fabric, a gallery of 1821 and an oak chancel screen and altar of 1924."*
- 10.10 Impacts on a heritage asset can manifest themselves in two ways; those of a direct impact on the asset themselves, and the impact on their setting. There are no direct impacts on the listed church or its graveyard but there is the potential to impact on their settings. Setting is defined in the NPPF as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral."*

- 10.11 The setting of a Listed Building is required to be considered for any development under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is also a requirement for consideration under paragraphs 189 and 190 of the NPPF as well as policy LP35 of the Local Plan.
- 10.12 As part of the Local Plan Inquiry, the Council prepared a Heritage Impact Assessment (HIA) which is referred to in site allocation box and detailed in paragraph 6.5. The HIA identified areas of high and moderate significance within the site which provide an important open setting to the adjoining listed Whitechapel Church. The Local Plan Inspector considered that these areas should be retained as 'open land' to conserve the open and rural setting of the listed Church. As detailed in the site allocation box, these areas should also be left "open" for community uses.
- 10.13 The site layout plan shows public open spaces are largely proposed within areas designated as high and moderate significance. A Heritage Desk Based Assessment also accompanies the planning application which has been reviewed by the Council's Conservation and Design officer. It is considered to be proportionate to the assets' importance and in addressing the provisions of paragraph 189 of the NPPF. The document concluded that *"The proposed development will represent a change in the surroundings of the church. There is some development proposed in the areas which contribute more to the significance of the asset however, these additions have been carefully designed to ensure they do not cause significant harm to the significance of the heritage asset."*
- 10.14 The Conservation and Design officer who was involved with the Local Plan Inquiry, held subsequent pre-application discussions with the applicant team. It was subsequently agreed that the boundaries of the HIA areas of significance were somewhat arbitrary since they did not follow defined boundaries and did not necessarily protect the views and setting of the church. In terms of the high significance area it was agreed to pull the boundary further south to the front edge of the former public house and form a similar diagonal to the west to the low point of the land. In terms of the moderate area the development line was pulled south to follow the line of the school boundary. The officer considered these changes to be accurately reflected in the submitted site layout. However, Development Management acknowledge that the agreed boundary changes would also result in the loss of existing mature trees that have gained protected status during the planning application process.
- 10.15 The Conservation and Design officer also considered that in terms of the layout and its impact upon the setting of listed church that opportunities have been taken to minimise the harm to the setting, in terms of the massing and orientation. In addition, the officer considered that the requirements of the site allocation box have been met and as such the proposal is acceptable in terms of the impact upon the setting of the church.
- 10.16 Overall, it is considered that the proposed development, would have a 'less than substantial harm' to the significance of the setting of Whitechapel Church. The proposed development would represent a change in the surroundings of the church, from rough grazing fields to a residential development, with the loss of existing trees. Although, not entirely reflecting the HIA, the areas which contribute more to the significance of the asset would remain largely free from

built form and have been sensitively designed with additional tree planting. Thus, not causing any further harm to the significance of the asset. Paragraph 196 of the NPPF requires that where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that public benefits associated with the delivery of this housing allocation would outweigh any harm caused to the setting of the listed building, including:

- Contribution towards the district's housing land supply.
- Contribution to the investment of Cleckheaton.
- Provision of 20% affordable housing.
- Employment opportunities, including the applicant's apprenticeship scheme for the building trade and to involve local tradesmen and businesses in the supply chain.

10.17 During the course of the planning application the West Yorkshire Archaeology Advisory Service requested further archaeological information be submitted. Records indicated some potential for earlier activity or settlement on the site, possibly medieval activity and a Roman Road, as well as evidence of early mining may also be present. A Geophysical survey and trial trenching was subsequently carried out and no evidence of significant archaeological remains was encountered. As such, West Yorkshire Archaeology Advisory Service require no further archaeological works within the boundary of the site.

10.18 It is not anticipated that the proposed development would adversely affect the significance of designated and non-designated heritage assets. This assessment is supported by the applicant's supporting information. As such, this proposal would accord with the policy LP35 of the Local Plan, site allocation box HS97, and chapter 16 of the NPPF.

Design

10.19 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7, and LP24 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.

10.20 The proposal is described in section 3.0 of this report. As detailed in paragraph 6.4, the application site has a number of site constraints, in addition to other site constraints including tree preservation orders. These site constraints has affected the net developable area and the proposed site layout. As a result, the proposed residential dwelling houses are set back from Whitechapel Road and from the listed church in the south, behind Public Open Space to respect its setting. The development is set in from the motorway to the east, in line with the guidance regarding air quality and noise buffers. Dwellings have been sited away from the northern and eastern boundaries so that they do not have an adverse impact on the trees found within the school grounds. Public Open Space has been proposed within the north east corner (lowest point of the site) to accommodate the necessary drainage infrastructure. Finally, the existing Public Rights of Way network (public footpath No. SPE/42/10 and SPE/24/40) that crosses the site is proposed to be diverted and incorporated either within the proposed estate roads, denoted by grass verges and within Public Open Spaces.

- 10.21 Local Plan policy LP7 requires housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. The importance of making effective use of land is also recognised in Chapter 11 of the NPPF, section B1 in the recently published National Design Guide and guidance on the effective use of land within the Planning Practice Guidance, which was updated on 22nd July 2019.
- 10.22 It is understood that during the Local Plan Inquiry, based on the site constraints and regard to average densities, the net developable area was reduced to 3.12 hectares and the indicative site capacity was subsequently reduced from 170 dwellings to 122 dwellings. At the pre application enquiry stage and on initial submission, the proposal was for 133 dwellings, which represented a net density of approximately 43 dwelling per hectare. Officers subsequently raised concerns associated with 'overdevelopment' and as such the proposal was revised to 124 dwellings, which represents a net density of approximately 40 dwellings per hectare. After the deferral at Strategic Planning Committee, amended site plans have been submitted showing 122 dwelling units, which represents 39 dwellings per hectare and is in accordance with the indicative site capacity. Officers consider that this quantum of development is acceptable in achieving the efficient and effective use of land, in accordance with policy LP7 of the Local Plan.
- 10.23 The proposed single vehicular access onto Whitechapel Road is considered acceptable to serve 122 dwelling units. The proposed use of a movement hierarchy, transitioning from Whitechapel Road through primary streets, to secondary and tertiary routes, characterised by different street widths and surface treatments is welcomed as it would aid legibility and a 'sense of place.' The proposed dwelling houses have also been laid out within perimeter blocks which would mean that the proposed streets and spaces benefit from the necessary activity, visual interest and natural surveillance. Furthermore, it could be said that although the Public Rights of Way has to be diverted within the site, its incorporation would provide potential residents with the opportunity to use it.
- 10.24 Car parking has been designed so that the majority of which is located within the curtilage of individual properties. Parking spaces that are not within domestic curtilages are overlooked from adjacent residential properties allowing an adequate level of surveillance. During the planning application process, officers continually raised concerns about the visual dominance of the parked car caused by the over reliance of driveways to the front of the dwelling houses, with little or no mitigating planting. This issue has now in the main been addressed with the reduction in dwelling numbers but to some extent still exists along the western edge.
- 10.25 A mixture of dwelling types including apartments, terraces, semi-detached and detached units are proposed, which in turn provide a range of 1-bed, 2-bed, 3-bed and 4-bed dwelling units as detailed in paragraph 3.1. It is considered that this development would be suitable for different household types which reflect changes in household composition in Kirklees, in accordance with policy LP11 of the Local Plan.

- 10.26 The application site is relatively well contained and the proposed dwelling units would be set behind a landscape area. Therefore, the proposed dwelling houses would not immediately abut the nearest mid-20th century residential estate to the south. Thus, the site lends itself to establishing a new built development with a different character and appearance.
- 10.27 A variety of built forms are proposed with hipped and/or gable end roof forms. The Design and Access Statement includes drawings showing that majority of the dwellings to be 2-storey, interspersed with 2.5 and 3-storey dwellings, which would create the necessary visual interest to the proposed street scenes. Drawings also show the use of single storey detached garages set back from the building line, particularly within the eastern block.
- 10.28 Although, the proposed dwelling types are relatively simple in appearance, elevational drawings show that the proposed front and side elevations would be defined by several features, including window and door surrounds, string courses, door canopies, front gables, dormer windows and garages. Building materials are yet to be agreed and could be secured by condition. However, the Design and Access Statement indicates that the dwellings adjacent to the Public Open Spaces could be constructed from art-stone and the rest could be constructed using brick, which officers believe could also add to the visual interest.
- 10.29 The proposed site layout plan shows that the site's southern edge would be defined by a new Public Open Space. Officers consider the Public Open Space would be accessible, safe, overlooked and strategically located within the site and locality, between the school and the church. However, officers would have preferred if such spaces could have also accommodated all of the existing trees considered to be of value to maximise visual amenity and environmental benefits. Nevertheless, since committee, Development Management acknowledge the improvement to the scheme with the retention of additional protected trees and consider there to be sufficient space within these spaces to seek the necessary tree mitigation.
- 10.30 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to shared rear access footpaths for mid-terrace properties, boundary treatments, access gates, lighting, surveillance and home security. All of the comments made are advisory and have been referred to the applicant. Additionally, all these considerations need to be weighed against future residents' preference. For instance, future residents of mid-terrace properties may prefer the proposed rear access arrangements as it will allow for waste and dirty bicycles to be moved outside rather than through their homes. The applicant has suggested lockable gates and alternative boundary treatments and is willing to accept the necessary planning conditions to address these matters. Therefore, subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).
- 10.31 Therefore, the proposed design is considered to be acceptable in line with policy LP24 of the Local Plan, Chapter 12 of the NPPF and the National Design Guide.

Residential amenity and quality

- 10.32 NPPF paragraph 127 clause (f) and Local Plan policy LP24 clause (b) requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.33 Acceptable separation distances are proposed between the new dwellings and existing neighbouring properties on Whitechapel Road. The proposed distances, with an intervening landscape area would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and overdominance.
- 10.34 Outlook is also a material consideration relevant to this application. However, private views currently enjoyed by existing residents of Whitechapel Road across the green fields of the application site cannot be protected by the Council in its determination of planning applications.
- 10.35 In terms of noise, residential development would increase activity and movements to and from the site. However, given the site's location adjacent to Whitechapel Road (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. Residents of some existing properties on Whitechapel Road could experience greater levels of everyday noise and disturbance, however these impacts are not considered so great as to warrant refusal of planning permission. Furthermore, the proposed residential use is not inherently problematic in terms of noise and is not considered incompatible with existing surrounding uses.
- 10.36 Residents have expressed concern regarding headlights (of vehicles moving out of the proposed development and onto Whitechapel Road) shining into neighbouring properties. This is acknowledged as a potential impact (and, therefore, attracts some negative weight), however the impact would be momentary, it would only happen when vehicles are moved during dark hours, and it is therefore not considered so problematic as to warrant refusal of permission. Headlights momentarily shining on a property opposite a street entrance in this way is not an uncommon occurrence.
- 10.37 To accord with Local Plan policy LP52, a condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures and temporary drainage arrangements would need to be included in the CMP. The applicant has also agreed to work with representatives of the local community to try and address any concerns and this can be included as a requirement of the CMP condition. An informative regarding hours of noisy construction work is recommended.
- 10.38 With regard to the West Yorkshire Low Emission Strategy, Environmental Health Officers have recommended a condition, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies will be secured by planning conditions and obligations.

- 10.39 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate space at home.
- 10.40 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, as of April 2021, all permitted development residential conversions will be required to be NDSS-compliant.
- 10.41 At pre-application stage, officers expressed concern that not all of the proposed dwellings would meet the minimum unit size figures set out in the Government's NDSS guidance. The applicant, however, advised that full compliance with the Government's standards would not be proposed. Therefore, using the lowest resident numbers set out in the NDSS the initial proposal showed that only 60 (45% of the total) out of the 133 dwelling houses were compliant with the NDSS.
- 10.42 During the course of the planning application and after discussions with officers, the applicant has amended the proposed scheme to acknowledge the NDSS. Using the lowest resident numbers set out in the NDSS, a greater level of NDSS compliance is now proposed. In the current, amended (122-unit) proposal, 84 dwelling units (69% of the total) would exceed NDSS. Most of the other 38 dwelling units (31% of the total) are close to compliance, and they include three house types (i.e. Maidstone (77 sqm), Moresby (79 sqm) and Denby (82 sqm) house types), which are all 3-bedroom dwelling houses. All of the 25 affordable units would exceed NDSS. A full breakdown of the proposed unit sizes is provided in the tables below, with figures in sqm (gross internal area). Grey shading and an asterisk highlights the non-compliant units.

OPEN MARKET HOUSING:

House Type	House Type Description	Number of units	Sqm	NDSS based on min. bedroom nos. (GIA)
Maidstone*	2-storey, 3-bed terrace house / semi detached house	19	77	84
Lockton	2-storey, 3-bed semi detached house	4	87	84
Moresby*	2-storey, 3-bed terrace house / semi detached house / detached house	11	79	84
Kingsville	2.5-storey, 3-bed terrace house / semi detached house	14	100	90
Brentford	3-storey, 3-bed terrace house	1	108	90

Woodcote	2.5-storey, 4-bed, terrace house / semi detached house	17	113	97
Denby*	2-storey, 3-bed detached house	8	82	84
Kingsley	2-storey, 4-bed detached house	3	101	97
Ashburton	2-storey, 4-bed detached house	6	137	97
Alderney	2-storey, 4-bed detached house	6	114	97
Radleigh	2-storey, 4-bed detached house	9	122	97

AFFORDABLE HOUSING:

House Type	House Type Description	Number of units	Sqm	NDSS based on min. bedroom nos. (GIA)
60	1-bed apartment	6	42	39
61	1-bed apartment	6	42	39
Kewdale	2-storey, 2-bed terrace house / semi detached house	10	79	70
Kirkbridge	2-storey, 3-bed semi detached house	2	86	84

- 10.43 The applicant has previously explained that in order to increase the amount of NDSS-compliant house types within the scheme they have had to reduce the overall numbers (to 122 dwellings). This has led to a reduction in the number of larger 4-beds proposed (from 49 to 41 dwellings) in order to create sufficient space to increase the size of the 1-, 2- and 3-bedroom homes on the site to meet NDSS standards. The applicant has also stressed that in doing so they have managed to retain the same level of on-site POS within the scheme, which accounts for 27% of the total site area.
- 10.44 Officers have queried whether more of the units could be made compliant (for example, adding just 2sqm to the Denby units would result in another 8 units being compliant), however the applicant has advised that this is not possible for viability reasons (although no supporting viability evidence has been submitted by the applicant). Officers would have preferred all of the units to be properly NDSS-compliant, however these amendments are still considered to be a significant improvement on the previous proposals, and – noting the other matters that influence amenity (considered elsewhere in this report), and again noting the policy position in relation to NDSS, as well as paragraph 018 of the “Housing: optional technical standards” section of the Government’s online Planning Practice Guidance (ref: 56-018-20150327) – it is considered that the proposals are acceptable in relation to unit sizes.
- 10.45 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate separation distances would be provided within the proposed development between the new dwellings. Public representations have raised concerns that some of the future residents would have a poor outlook over the motorway and would suffer

from any associated noise and air pollution. However, officers consider that the site layout plan has been designed to take into account these matters and any mitigation measures can be secured by the imposition of planning conditions.

- 10.46 All of the proposed houses would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. Several areas of open space are proposed, which total 1.2 hectares, the main one being to the south adjacent to Whitechapel Road, which would also include a Locally Equipped Area for Play (LEAP). The LEAP would be within 400m walking distance of all the homes it serves, and would be positioned to provide a buffer zone between it and the habitable room façade of adjacent dwellings. Further details of the LEAP would be required by condition.
- 10.47 For the reasons set out above, the proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers. It would therefore comply with the objectives of NPPF paragraph 127 clause (f) and Local Plan policy LP24 clause (b).

Affordable Housing

- 10.48 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development. There is significant need for affordable 1, 2, 3 and 3+ bedroom homes in Batley and Spen SHMA Market Area, along with 1 and 2-bedroom properties for older people specifically.
- 10.49 In this instance, 24 of the proposed 122 units would be affordable, which would accord with this policy objective. The site layout plan shows that 20 dwelling units that are either 2-bed or 3-bed and would be discount for sale. The site layout plan also shows that 4 x 2-bed dwelling units would be for social or affordable rent. This represents a tenure split of 17% social or affordable rent / 83% intermediate. Development Management acknowledge Strategic Housing officer's concerns regarding the applicant not addressing the Council's preferred tenure split. However, the proposal would still accord with Local Plan policy LP11. Thus, the applicant's proposed deviation from the Council's preferred tenure mix attracts limited negative weight. It is also considered that such proposal would assist in meeting a known need as set out in the 2016 Strategic Housing Market Assessment. In addition, officers will negotiate with the applicant team as to whether all of the affordable houses can be provided in perpetuity.
- 10.50 Local Plan policy LP11 explains how affordable housing should be indistinguishable from market homes, and evenly distributed across the development. The site layout plan shows that three house types would be used and would be located in three groups across the site (rather than grouped together). Similar detailing and the same materials are proposed for all dwellings, which would help ensure that the affordable units would not be visually distinguishable from the development's market units.

- 10.51 Taking all these matters into account, the proposal is therefore compliant with Local Plan policy LP11.

Highways and transportation issues

- 10.52 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.53 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe
- 10.54 To address these policy considerations, a Transport Assessment (TA), Appendices, and an Addendum prepared by Bryan G Hall, as well as an Interim Travel Plan prepared by TPS accompanies this planning application. These documents have been amended during the course of the application after comments made by consultees. However, they have not been updated for the latest 122-dwellings scheme. These documents also include the necessary traffic survey work of the local highway network, carried out in the peak hours (7:00am – 10:00am and 4:00pm – 7:00pm) on Thursday 10th January 2019. All local schools were within term-time at the time of the surveys and therefore the observed flows are considered to be representative of typical conditions.
- 10.55 Vehicular and pedestrian access to the site will be provided via a new simple priority-controlled T-junction with Whitechapel Road to the south of the site, approximately 80 metres to the east of the junction with B6120 Turnsteads Avenue. The TA provides a drawing showing that the proposed access design of 2.4 metres x 43.0 metres visibility splays to the east and west can be provided within the highway boundary to the nearside kerb. Whitechapel Road is a two-way carriageway with single lanes in each direction. The road has an approximate width of 7.5 metres, with footways on the northern and southern sides with approximate widths of 1.3 metres and 1.8 metres respectively. Whitechapel Road is a residential distributor type road and also provides direct frontage access to residential properties. Some 250 metres to the east of the junction with Turnsteads Avenue and in the vicinity of Whitechapel Primary School, there is localised traffic calming in the form of three separate speed tables. Whitechapel Road is street lit, has no parking restrictions and is subject to a 30mph speed limit. A separate pedestrian link will be provided to the south-west of the site and will meet with Whitechapel Road circa 200 metres to the east of the vehicular access, near to the school. Highways Development Management (HDM) officers consider that a suitable access point to the site can be achieved for 122 dwelling houses at this location, without the need for a second access point.

- 10.56 Using the TRICS database (an industry standard tool) the Transport Assessment predicts that a development size of 124 dwellings, the proposed development is likely to generate a total of 117 and 109 person trips in the morning and evening peak periods respectively. When applying HDM vehicular trip rates of 0.7, a development size of 124 dwellings is likely to generate some 87 total vehicle movements in both the morning and evening peak periods. Officers accept the vehicular trip generation figures for the development and consider that the additional vehicle movements on the highway network can be safely accommodated.
- 10.57 Taking into consideration other committed developments outlined in the Local Plan (i.e. Site allocations: HS96 Merchant Fields, Hunsworth Lane, Cleckheaton (413 dwellings), HS101 Land Adjacent to Rooks Avenue, Cleckheaton Rooks Avenue (58 dwellings) and ES6 Land to the north and west of, The Royds, Whitechapel Road, Cleckheaton (37,380m²)) the Transport Assessment and Addendum provides a full junction capacity assessment using industry recognised computer modelling software for the following key junctions:
- The site access junction
 - Whitechapel Road / B6120 Turnsteads Avenue Simple Priority Controlled Junction
 - Whitechapel Road / A638 Bradford Road / Hunsworth Lane Traffic Signal-Controlled Junction
 - A638 Bradford Road / A643 St Peg Lane / A638 Dewsbury Road / A643 Parkside Traffic Signal-Controlled Junction
- 10.58 The computer modelling software indicates that the Whitechapel Road / A638 Bradford Road / Hunsworth Lane traffic signal-controlled junction is predicted to operate over its theoretical capacity in the 2024 sensitivity base scenario due to background traffic growth and committed development. The TA explains how development will add 47 two-way trips through this junction during both peak periods. This results in an increase in traffic flows of 2.2% during the morning peak period and an increase of 2.1% during the morning peak period. This equates to an additional vehicle through this junction every 77 seconds, or less than one vehicle every minute. The impact of the development proposals at this junction is considered not to be severe to warrant a refusal. Officers have considered whether any physical alterations could be incorporated at this junction to reduce this impact. It is not considered that there are any measures that could practically be provided to significantly alter the delay. However, it is recommended that a financial contribution secured by Section 106 agreement is sought from the applicant towards Bluetooth journey time detectors so that the junction time situation can be accurately monitored. Based on the computer modelling software the other junctions are predicted to operate within maximum theoretical capacity.
- 10.59 The site benefits from being located adjacent to a frequent bus route and consists of a public footpath that connects to the Spen Valley Way to the north, which is part of the Local Plan core walking and cycling network. Officers are of the opinion that the proposal's minor impact on the highway network can be mitigated through maximising the use of these facilities. A robust Travel Plan would facilitate a modal shift to sustainable travel modes and thereby reduce reliance on private cars. A Travel Plan has been submitted but officers consider this an 'interim framework,' which would have to be developed into a full Travel Plan. The Travel Plan would be monitored for five years with the cost of this

borne by the applicant. Contributions are also sought towards a package of sustainable transport measures. These include the upgrade of nearby bus stops, the provision of a sustainable travel fund (which could include residential Metro Cards) and a contribution towards the improvement of the existing public footpath network.

- 10.60 Furthermore, it is noted that in terms of the Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network (which takes into account current local road network/public transport use and forecasts planned growth). The strategic modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.
- 10.61 From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion. In summary, officers accept the vehicular trip generation figures for the development and consider that the additional vehicle movements on the highway network can be safely accommodated, subject to the necessary planning obligations and conditions.
- 10.62 The Waste Strategy officer initially raised concerns regarding the appropriateness of the location of bin storage and presentation points for a number of properties. Concern is still expressed about the proposed location and convenience of the bin facilities for the mid-terrace properties with the officer explaining that they are unlikely to be used. Initially, further clarification was also sought regarding swept path analysis of an 11.85m refuse collection vehicle, particularly demonstrating that an 11.85m vehicle and a car can pass through bends. These matters have largely been addressed with the submission of the latest site layout plan. A condition is recommended for details of temporary waste collection arrangements to serve occupants of completed dwellings, whilst the remaining site is under construction.
- 10.63 During the course of the planning application, the Highway Section 38 team explained how a number of amendments would be required for the proposed internal road layout for to be adopted by the Council. The main amendments requested included the widening of some roads and junctions to ensure that visibility envelopes are within the highway and not within private curtilages and so that a refuse vehicle can safely pass a car. The latest site layout plan has largely addressed such matters.
- 10.64 Highways England initially objected to the planning application and requested further information regarding drainage, slope stability, boundary treatments, retaining features and construction traffic. Further information has been provided and it is understood that discussions have taken place between Highways England and the applicant team. Highways England has subsequently removed their objection, subject to conditions requiring a construction management plan, drainage not impacting on the strategic road network and a suitable boundary fencing arrangements.

- 10.65 No objections have been received by Highways Development Management from a highway safety perspective. Subject to planning conditions and obligations, officers consider that the proposal would accord with Local Plan policies LP20, LP21, LP22 and the Highways Design Guide SPD, as well as NPPF chapter 9.

Impact on the Public Rights of Way

- 10.66 The red line boundary consists of an existing public footpath that is recognised as being part of the Public Rights of Way (PRoW) network, SPE/24/40 and SPE/42/10 (Spenborough 24 and 44). However, on site it appears that the pedestrian desire line does not follow the definitive route. Instead, there is a more direct pedestrian desire line of tread to a stile and path found in the north western corner of the site, near to the motorway. Also, there is an obstruction in the form of a boundary fence between the site and the Whitechapel Church of England Primary School playing fields. At the pre application stage, PRoW officers requested that the site plan clearly show the existing definitive public footpath alignment and any proposed alternative alignment. Officers explained that the subsuming of the path into the estate roads as suggested in the submissions at pre application enquiry would not be appropriate or acceptable. Officers requested a proposal that had better regard to pedestrian access throughout the site.
- 10.67 The initial planning application and subsequent submissions did not address the above concerns. Numerous meetings have taken place and subsequent designs submitted to achieve a more appropriate and acceptable proposal. However, prior to the strategic planning committee in 27th January 2021, a site layout plan was submitted that was considered acceptable by the Public Rights of Way officer. Although, the PRoW officer has not commented on the latest site layout plan, the amendments made have not changed the proposals to the PRoW and thus the same comments apply. For the last committee meeting, the officer provided the following commentary:

*“When considering the development as a whole and the proposed change to public footpath Spenborough 24, members are asked to take into account DEFRA circular 1/09, paragraph 7.8 *“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”* Members may consider whether the site constraints, the alternative provisions of public footpaths and other public access routes to the northwest and southeast of the site mean that the proposed public footpath provision is adequate and appropriate. Such matters may be relevant in the required diversion order process, if the development is to go ahead.”*

- 10.68 Officers consider that an acceptable layout and quantum of development cannot be designed around the current Public Rights of Way alignment. The latest site plan shows the existing public footpath alignment (blue dashed line) and two proposed public footpath alignments (green dashed lines). The proposed eastern public footpath alignment is defined by an estate road, delineated in some places from the carriageway by grass verges, as well as a public open space to the north west corner. The proposed public footpath also shows potential connectivity with the existing PRoW to the red line boundary to

the north, as well as to an existing path in the north west corner. The proposed western public footpath alignment is also defined by an estate road delineated in some places from the carriageway by a grass verge with fewer driveway intersections. The applicant has previously explained that the footpaths would be aligned with the road gradients with a maximum gradient of 1:16, which is agreed in principle in assessing feasibility. The relevant conditions are considered necessary to secure further details regarding the:

- provision, agreement, implementation and retention of appropriate PRow provision and treatment
- necessary cross and long sections of the proposed PRow
- constructional and design details for public access
- path on site north of the Priory public house, how it meets and works with the estate road layout
- provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.

10.69 At the request of the PRow officer, a 3 metre wide multi-modal link (yellow dashed line) is proposed between the estate road and the red line boundary outside plots 83 and 87 to enable the route to be used by cyclists and horse riders in the future. This 3 metre wide multi-modal link would be secured by a Section 106 Agreement. In addition, the applicant has agreed to the provision of £20,000 towards the upgrade of towards the improvement of an off-site link between the site and the Spen Valley Greenway, which would also be secured by a Section 106 Agreement.

10.70 The current PRow does not prevent planning permission from being granted for this proposal. However, it should be noted that any planning application granted does not allow the interference of the public footpaths and any proposed diversion of a PRow would be required under a separate legal process and at the applicant's costs. Development Management consider that subject to the necessary conditions and obligations the proposal would be in accordance with Local Plan policy LP23.

Flood risk and drainage issues

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

10.72 The site was larger than 1 Hectare and therefore a Flood Risk Assessment (FRA) and Surface Water Management Strategy by ID Civils Design Ltd was submitted that considered the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. During the application process, this document was amended to provide further information in relation to the Lead Local Flood Authority (LLFA) comments in relation to surface water management

- 10.73 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
 - 2 – to a surface water body
 - 3 – to a surface water sewer, highway drain, or another drainage system
 - 4 – to a combined sewer
- 10.74 A site investigation report confirms that the site is underlain by stiff clay strata and as such will be unsuitable for infiltration surface water drainage. The original FRA, proposed only a pump solution for surface water to a culverted watercourse at Whitechapel Road. The amended FRA, in addition to the pump solution now also proposes an option for a potential gravity solution. Historical OS plans show that there was a watercourse crossing the northern part of the site, across the adjacent school playing field and into a culvert prior to the railway embankment north east of the site which in turn runs through a property known as 'The Sidings'. Recent survey work by the LLFA of this section of culvert confirms that it requires repair and improvement work to reduce the risk of flooding, regardless of the development. The applicant has agreed in principle that this necessary works could be undertaken by themselves at their costs and CDM responsibility under the banner of enabling works.
- 10.75 No revised FRA has been provided for the 122 dwelling scheme. However, the amended FRA for the 124 dwelling scheme explains though that timing of the gravity solution is however fundamental to the development progress and, the enabling works to achieve a gravity connection would need to be achieved at a suitable point in the build programme. In that situation the applicant claims that the only option would be to pump flows to the culvert in Whitechapel Road. As such, planning conditions and/or obligations may be required to allow for further off-site exploratory and/or enhancement work, as well as discussions and agreements with the necessary parties to secure the most appropriate drainage strategy.
- 10.76 Yorkshire Water has confirmed that foul water flows from the development can be discharged to the sewer network crossing the site at point to be agreed once the layout is finalised. The amended FRA explains that plots within the southern area have been connected to the foul sewer in Whitechapel Road for phasing purposes and also to reduce the number of pumped plots. Due to site levels, the majority of the site (central and northern area) is below the level of the sewer crossing the site, and therefore plots in this area will require pumping. A new pumping station will be constructed to adoptable standards in the north eastern corner of the site. A pump main will pump flows from the lower two thirds of the site up to the new gravity foul sewer prior to outfalling to the existing public sewer.
- 10.77 There is a public foul water sewer that crosses the southern part of the site in an east west direction. The amended FRA explains how a diversion of the public foul sewer is required. This diversion can be accommodated via the new public highway in the route shown on the strategy plan. The diversion will have to be agreed under section 185 with Yorkshire Water and constructed at the applicant's expense under supervision by Yorkshire Water.
- 10.78 The Lead Local Flood Authority and Yorkshire Water have not commented on the latest site layout plan. However, given the amendments to the proposal, it is considered that the same comments for the 124 dwelling scheme still apply.

Thus, there are no objections subject to the necessary planning conditions and obligations and the proposal accords with Local Plan policies LP27, LP28 and NPPF chapter 14 with regard to its potential impact on local flood risk and drainage.

Trees

- 10.79 Trees can be found along the site's boundary edges with many located on third party land. Many of the trees found along the site's southern boundary with Whitechapel Road and with the adjacent PRoW and Public House have Tree Preservation Orders (TPO). In addition, there are three groups of trees within the open fields, the two groups found within the southern field also have trees with Tree Preservation Orders. During the course of the planning application the Council made a Tree Preservation Order on these trees in January 2020 (Reference: Land off Whitechapel Road, Cleckheaton TPO No.1 2020). The TPO lists 42 trees for protection which include trees recorded as Groups G1, G2, G4, G5, G7 and G8 in the applicant's supporting information. The application site is not situated within a conservation area and there is no ancient woodland or veteran trees on-site.
- 10.80 The planning application was supported by an Arboricultural Impact Assessment (AIA) Report and a Tree Mitigation Statement (TMS), both prepared by BWB Consulting, as well as a Landscape Masterplan prepared by Barnes Associates. These documents were amended and/or provided in response to consultee comments. In addition, a letter, dated 18th February 2020 by PB Planning was also submitted which details the reasoning disputing the council's making of the Tree Preservation Order. (TPO) NO 1 2020" (KIRKLEES COUNCIL REF. DEV/SJH/ML/D26-1375) Since the planning committee meeting, an amended site layout plan has been received showing the retention of a group of trees nearest to the motorway. In addition, another Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) (Ecus Ltd, Reference: 16628, Version 1.1) and Tree Mitigation Strategy (TMS) has been provided (Ecus Ltd, Reference: 16628 V1.2, March 2021).
- 10.81 The planning application would still result in the loss of mature trees, some of which have a TPO. The latest proposed site layout plan shows the loss of trees at Whitechapel Road (including TPOs: 01/20/t1 and 01/20/t2), those located behind the Public House (including TPOs: 01/20/t27, 01/20/t28, 01/20/t29, 01/20/t30, 01/20/t31) and two of the three groups of trees within the open fields (including TPOs: 01/20/t22, 01/20/t23, 01/20/t24, 01/20/t25, 01/20/t26). Supporting information details shows that the trees to be removed includes 18 individual trees and 1 group of trees that are category C (i.e. Trees considered to be of low quality and value), 26 trees that are category U (i.e. Trees considered to be unsuitable for retention) and 9 trees that are category B (i.e. Trees considered to be of moderate quality and value).
- 10.82 As explained above, during the planning application a number of trees were listed as a TPO due to their amenity value. Therefore, by listing the trees as TPO, the Council considers that their removal would have a significant negative impact on the local environment and enjoyment by the public.
- 10.83 During the course of the application, the applicant provided a letter that was submitted to the Council during the designation of the TPO. The letter provides a detailed response disputing the TPO, highlighting the timing of the making of the TPO, the implications of the delivery of the site allocation, the lack of

amenity, arboricultural and heritage value justification, lack of specific identification of the trees to be retained during the Local Plan inquiry and pre application process. The letter also explains how there is sufficient space within the site for replacement planting opportunities and a number of socio-economic benefits associated with the scheme that should be considered in the planning balance, including:

- Creating sustainable communities through meeting market and affordable housing needs, offering existing and potential residents of the District the opportunity to live in the house and location they desire.
- Delivering significant financial contributions towards the improvement of Cleckheaton's and the District's infrastructure.
- New capital expenditure in the region of £19m creating substantial direct and indirect employment opportunities of approximately 48 new direct jobs and 67 new indirect jobs of which 70% are usually retained in the local area.
- Sustaining and improving the District's labour market through delivering the right homes in the right locations.
- Increasing retail and leisure expenditure in the local area by approximately £3.3m per annum, creating 19 jobs in these sectors.
- Provision of funding towards public services from an estimated figure of £900k from the Government's new homes bonuses & annual council tax payments of circa £225k per annum.
- Safeguarding and enhancing areas of environmental quality through creating on-site and off-site management schemes.

10.84 At the pre application stage and during the course of the planning application, officers recommended the protection of the site's mature trees worthy of retention, particularly those at or near the site access. This was reiterated after the strategic committee meeting. Since the strategic planning committee meeting, the applicant has explored a number of design options to retain more of the protected trees. However, the applicant has explained that the loss of the protected trees is still necessary to help facilitate the proposed access with Whitechapel Road, the proposed internal road layout and the proposed plots 1-3. The applicant has also now proposed the retention of a group of protected trees nearest to the motorway, with the loss of units and a slight design amendment of the southern development block. The applicant has stated that the other group of protected trees cannot be retained as this would mean a further reduction in dwelling houses and thus development viability would be compromised (although no supporting viability evidence has been submitted by the applicant).

10.85 Development Management acknowledge the submission of another AIA, AMS and TMS, by Ecus. The TMS concludes that it is not possible to immediately mitigate the value of a mature tree with replacement trees. However, it is believed that a carefully planned, executed and maintained tree planting scheme, can in the medium to long term increase the amenity, diversity and environmental capital services of a tree population on the site. In addition, the TMS demonstrates that there is the opportunity to provide 65 high quality trees in the public realm within the new development, with around 74 opportunities for tree planting within private gardens. The TMS explains that the Council do not have a target tree replacement ratio. However, the current proposals offer a replacement ration of close to 1.2:1 of public open space trees (with the assumption at least 30 trees will be included in group planting). If all trees

planted on the scheme, then the replacement value would be in the range of 2.6:1.

- 10.86 The Tree Officer welcomes the retention of additional protected trees and with regards to the latest mitigating tree planting scheme has stated that it “*appears to be a reasonable landscaping proposal in places.*” However, the officer would still like the retention of the other group of protected trees near to Whitechapel Road and is not convinced that the landscaping proposals would fully mitigate the loss of protected trees. Thus, the officer still cannot support the planning application and considers it to be contrary to Local Plan policies LP24 and LP33 as well as NPPF paragraph 127.
- 10.87 Development Management acknowledge the Tree Officer concerns and the loss of mature trees worthy of retention attracts negative weight. Development Management welcome the latest site layout plan that now shows the retention of additional protected trees. It is considered that the necessary planning conditions can deliver an appropriate tree planting scheme that alongside the socio-economic benefits (as stated in paragraph 10.83 of the scheme) outweighs the harm identified by the Tree Officer. As such, Development Management advise that subject to the necessary planning conditions, the proposal is in accordance with Local Plan policy LP24, LP33 and NPPF paragraph 127.

Biodiversity

- 10.88 A Preliminary Ecological Appraisal (PEA) (which has been amended in response to consultee comments) and a Bat Survey, prepared by Brooks Ecological were initially submitted with the application. These documents identified the need for further ecological surveys, which were provided during the course of the planning application. Also, during the course of the planning application, an Ecological Impact Assessment by Brooks Ecological and a Biodiversity Net Gain Assessment by BSG ecology were provided.
- 10.89 The site is within a Biodiversity Opportunity Zone (Pennine Foothills). A south western portion of the site between the Public House and Church with the School can be found within a bat alert area. In addition, the land along the M62 corridor immediately west of the site is part of the Kirklees Wildlife Habitat Network (KWHN).
- 10.90 The supporting information explains that all of the habitats on the site were considered to be of ‘site level importance.’ The details of the following habitats found on the site and their condition were considered as follows:
- Neutral grassland - Habitat of medium distinctiveness in poor condition;
 - Broadleaved woodland, with two plantations located to the south of the site - Habitat of medium distinctiveness in moderate condition;
 - Hedgerows - Habitat of low distinctiveness in good condition;
 - Lines of trees to the south of the site - Habitat of low-medium distinctiveness in moderate condition;
 - Off-site broadleaved woodland - Habitat of medium distinctiveness in good condition.
- 10.91 The supporting information acknowledges the proposed loss and effect on some of the on-site habitats due to development but considers that such loss would be at worst ‘significant at site level only.’ The supporting information explains that the necessary compensatory and mitigation measures would be

required to off-set any impact and to ensure a biodiversity net gain. Surveys submitted, have concluded that there would be no significant direct or indirect impacts expected by the development proposal on protected species.

- 10.92 The planning application has been reviewed by Yorkshire Wildlife Trust and the Council's Ecologist who have raised concerns regarding the biodiversity net gain assessment. They have both requested that a measurable biodiversity net gain be secured in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net biodiversity gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. As a biodiversity net gain has yet to be satisfactorily demonstrated by the applicant, a condition and Section 106 obligations are recommended. This will require the applicant to provide the necessary calculation, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on-site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the Council would be required to spend on compensatory measures at an available site. Conditions requiring the submission of a Landscape and Ecological Management Plan (LEMP) and a Construction Environmental Management Plan are also recommended to ensure the proposal is policy compliant.

Environmental and public health

- 10.93 The application site is adjacent to noise generating sources, such as the M62, a Public House and a School. As such, the planning application is accompanied by a Noise Assessment, prepared by SLR Consulting. This assessment has been amended to try and address officer and committee member comments. In addition, the site layout plan has been amended with some dwellings in the southern block now located further away from the motorway and now benefiting from necessary additional acoustic boundary features.
- 10.94 The report advises that satisfactory indoor sound levels can be achieved assuming the buildings have standard masonry cavity wall construction, tiled roof with appropriate mineral wool insulation together with the attenuation required to be achieved by the glazing as specified in appendix 4 of the report. It also recommends acoustic trickle ventilators for background ventilation (as detailed in table 5-3) for rooms where windows need to be kept closed.
- 10.95 The amended Noise Assessment advises that for 96% of plots, the noise at the outdoor amenity area will be under the upper British Standard (BS) guidance level of 55dB LAeq (16hours) with many of these being lower than the 50dB BS guidance level. However, it advises that at just 4 plots the noise at the outdoor area will marginally exceed the upper BS guidance level of 55dB. It provides more detail in figures 5-2 to 5-5 which show that at three of these plots there are areas within the garden that are under 55dB and in the other plot there are areas that are only marginally above at 56dB. These levels are achieved with the provision of acoustic barriers as detailed in part 5.1 and figure 5-1 of the report.
- 10.96 Environmental Health consider the Noise Assessment is a satisfactory assessment of noise affecting the site. It is also considered that the Noise Assessment provides satisfactory proposals for noise mitigation measures to achieve satisfactory indoor sound levels at all plots and also at the outdoor

amenity areas most plots. Taking into consideration the proximity to the M62 it is considered that for the four plots where the outdoor levels marginally exceed the upper guidance level of 55dB, it is still acceptable because a usable part of outdoor area will be below 55dB at three plots and only marginally above 55dB at the fourth.

- 10.97 It is therefore considered that the applicant has designed the site, including proposals for acoustic barriers, to achieve the best practical outdoor sound levels at plots. It would appear likely that the only way that outdoor noise levels of under 55dB can be achieved at all plots would be to reduce the number of plots, but this may affect the overall viability of the development. Considering the high noise levels that this site is exposed to it is considered that the proposed noise mitigation measures will provide best practical indoor and outdoor sound levels at the development. In accordance with Local Plan policy LP52, conditions are necessary to ensure the noise mitigation measures proposed in the report are provided.
- 10.98 The application is accompanied by an Air Quality Assessment (AQA), prepared by SLR Consulting, which has been amended to try and address officer and committee member comments. In addition, the amended AQA takes into consideration the proposed design amendments, including the additional acoustic barrier features. The assessment explains how passive diffusion tube monitoring of NO₂ concentrations at the site was undertaken over a 6-month period in order to provide an assessment of baseline air quality. This was to determine site-specific baseline annual mean NO₂ concentrations to assess the suitability of the site for residential development, and the spatial extent of any monitored exceedance to determine required buffer-zone / stand-offs from the adjacent M62 carriageway to inform future development layouts.
- 10.99 The latest amended report provides further up to date analysis and evidence that the 2.1m high acoustic barrier reduces the NO₂ concentrations at the facades of future properties. This has been undertaken using the ADMS-Roads dispersion model in accordance with DEFRA Guidance using two scenarios, with, and without the 2.1m high acoustic barrier on the western boundary of the site. The assessment concludes that the predicted modelling results with the acoustic barrier will reduce NO₂ concentrations at sensitive receptors along the western boundary of the site to $\leq 38\mu\text{g}/\text{m}^3$, well below the national air quality objective of $40\mu\text{g}/\text{m}^3$, with no predicted exceedances of the air quality objectives at any locations of relevant exposure. This is clearly demonstrated on Drawing AQ1 that accompanies the assessment and shows the model contour output of the annual mean nitrogen dioxide concentration of $38\mu\text{g}/\text{m}^3$ and illustrates that no dwellings are sited within the identified zone. In addition, the modelling results confirm that due to the acoustic barrier the original air quality 15m buffer zone can be reduced to 12.25m and that no dwellings are to be sited within this zone. The report also goes on to explain that an analysis of aerial imagery indicates that the motorway carriageway (the M606 south-bound slip road onto the M62 west-bound) is a further 10.6m away from the western boundary of the proposed development site.
- 10.100 Environmental Health officers have reviewed the report. They agree with the approach, the methodology, and concur with the conclusions of the assessment providing that a 2.1m high acoustic fence is constructed on the western boundary of the site as shown on the latest site layout plan. A condition is recommended securing the 12.25m air quality buffer zone with the M62 to ensure that the planning application accords with Local Plan policy LP51.

10.101 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed affordable housing, public open space, cycling provision, pedestrian connections (which can help facilitate active travel), accessibility, dementia-friendly design, measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health. The applicant has submitted a Health Impact Assessment. The Council's Public Health team have not commented on the latest site layout plan but have previously raised no objection in principle to the proposed development and have expressed support for majority of the aspects of it.

Ground conditions

10.102 Phase I and II Geo-Environmental Report, as well as a Permanent Gas Assessment, prepared by Groundtech Consulting have been provided with respect to potential site contamination. The reports conclude that the site has only been used as fields for grazing animals and the only contaminants elevated above screening levels for residential end use are thought to be naturally occurring and in the topsoil. A single arsenic and two lead exceedances were recorded in separate locations. Both exceedances were very minor and when statistical analysis was undertaken on the topsoil population it was determined that no remediation action is required in relation to arsenic or lead. Based on the conceptual site model and concentrations recorded, the risk to controlled waters is considered to be low. The soils natural and made ground soils on site are classified as non-hazardous. The ground gas regime has been confirmed in the Gas Assessment Report and no gas precautions are required. Environmental Health officers have reviewed these documents and agree with the findings and have recommended a condition for reporting of unexpected contamination at the site during construction.

10.103 The application site falls within the defined Development High Risk Area. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is in an area of probable shallow mine workings. As detailed above, the applicant has provided a supporting geo-environmental assessment based on intrusive site investigations, as well as a Gas Assessment Report. The geo-environmental assessment concludes that the site is not considered to be at risk of subsidence from shallow mine workings and therefore, no mitigation measures (e.g. consolidation by drilling & grouting) would be required. These documents have been reviewed by the Coal Authority who accept these findings.

10.104 The application site falls within an area designed as a Mineral Safeguarded Area (Surface Coal Resource with Sandstone and/or Clay and Shale) in the Local Plan. Local Plan policy LP38 states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it. In addition, officers consider that, whilst it is likely that these minerals may be present at the site, local constraints such as being located adjacent to a school would be such that mineral extraction in this location would not be viable.

Consequently, officers believe that it would also not be feasible to extract mineral from this site.

- 10.105 It is therefore considered that this proposal accords with Local Plan policies LP38 and LP53, as well as NPPF chapter 15 with regard to potential contaminated and unstable land and minerals safeguarding issues.

Representations

- 10.106 A total of 54 representations over several consultation periods were received in connection with this proposal and are summarised in Section 7 of this report. An officer response to the main points that have been raised is provided below.

Principle, conservation and design

Officer response: Contrary to some of the comments made, the application is not Green Belt land and it is not afforded any particular protection in planning terms. Representations have stated that Cleckheaton has already had its fair share of housing development but the land is allocated for housing. Therefore the general principle of development has already been established through the Local Plan which was adopted in 2019. It has been suggested that brownfield sites should be developed first and concerns raised with the loss of this greenfield site. There is not a 'brownfield first' policy and the proposal is bringing forward allocations that are set out in the Local Plan. The development now shows 122 dwelling houses in line with the indicative capacity stated in the site allocation box HS97. It is important to understand that this number is not a minimum or a maximum figure and just an indication of the number of houses that could be achieved on site. Officers consider the quantum of development has been demonstrated in line with Local Plan policy LP7 and NPPF chapter 11. Conservation, visual amenity and design issues have been addressed in the report. Comments are noted about boundary treatments and the preference for the retention and improvement of the existing stone boundary wall at Whitechapel Road. It is recommended that a boundary treatment condition is imposed to secure such design details and where considered necessary protects such features. The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to shared rear access footpaths for mid-terrace properties, boundary treatments, access gates, lighting, surveillance and home security. All of the comments made are advisory and have been referred to the applicant. Additionally, all these considerations need to be weighed against future residents' preference. For instance, future residents of mid-terrace properties may prefer the proposed rear access arrangements as it will allow for waste and dirty bicycles to be moved outside rather than through their homes. The applicant has suggested lockable gates and alternative boundary treatments and is willing to accept the necessary planning conditions to address these matters. Therefore, subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24 (e).

Environmental quality and pollution

Officer response: These matters have been addressed within the report. Concerns are noted in relation to more people living closer to the motorway. However, the site is a housing allocation, thus the principle of housing at this site has already been established. In addition, the site allocation box HS97 does not include any specific design requirements regarding the siting of houses in relation to the motorway, other than recognising it as being a noise source

constraint. The submitted amended assessments have thoroughly assessed the noise and air quality impacts particularly those associated with the motorway and have suggested a number of mitigation measures. Environmental Health officers have reviewed the amended assessments and have raised no objections subject to the imposition of planning conditions to secure the necessary mitigation measures. The impact of the construction of the development can be mitigated through construction management plans and conditions are recommended to this effect.

Infrastructure

Officer response: With regard to the impact on education provision, the applicant is providing a financial contribution in line with the advice from the Council's Education section. In terms of the impact on medical facilities, the scale of development is not at a level that would require new healthcare facilities to be required under Policy LP49. Local healthcare provision is a matter for those particular providers and population data would form part of their planning for the delivery of services. The impact on drainage and road infrastructure has been assessed as being acceptable as set out in this report. Officers consider that the proposed development would help to support existing local shops and services. The quantum of development, its sustainability and its potential cumulative impact with the other recent and proposed developments within the Cleckheaton area were considered as part of the Local Plan site allocation process.

Highways and transportation

Officer response: Highways Development Management have carried out a thorough technical assessment of the application and have no objection in relation to the matters raised. It is understood that school run parking associated with the nearby Primary School is known to stretch from the school entrance, and past the site of the proposed access. The Highway Safety section therefore recommend that a Traffic Regulation Order be promoted for a stretch of 'No Waiting at Any Time' restrictions on Whitechapel Road to either side of the proposed access. This would be secured under a separate process at the applicant's cost and would be secured by planning condition. Any development proposal would effect the setting of the existing Spenborough Greenway given its location though the centre of the development site. Furthermore, officers acknowledge that any proposal would likely require the diversion of the PRow that crosses the site. In this instance, PRow officers have not raised any objections subject to the necessary conditions and obligations set out in this report.

Biodiversity and trees

Officer response: These matters are addressed in the report. The necessary survey work have been carried out to understand the ecological implications associated with this development, which are considered acceptable by the Council's Ecologist. Concerns are noted about the loss of trees and habitats associated with this proposal. A detailed landscape plan secured by planning condition would ensure that any proposed tree planting would not conflict with any public sewer. Development Management believe that the necessary planning conditions and obligations would ensure that the development delivered a suitable tree mitigation strategy and an overall biodiversity net gain.

Other matters

Officer response: Officers acknowledge residents' comments with regards to the amendments and the consultation process.

Spen Valley Civic Society

Officer response: These matters are addressed in the report. The Council's Conservation and Design officer who was involved with the Local Plan Inquiry and pre application enquiry discussions raised no objections to the issues raised. Furthermore, the officer is of the opinion that the requirements of the allocation have been met and as such the proposal is acceptable in terms of the impact upon the setting of the church. With regards to securing a measurable biodiversity net gain through planning condition and obligation this approach has been considered acceptable by committee members previously. Furthermore, it must be noted that NPPF paragraph 54 states that: "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.*" Thus, this approach is considered acceptable by officers.

Whitechapel Church of England Primary School (Headteacher)

Officer response: A planning condition would secure a construction management plan that would ensure that construction workers would not use the school site and that the necessary temporary fencing would be erected at an appropriate stage of the development process to ensure that children did not have access to the site during the construction period. The potential housebuilder has also been in contact with the school to discuss ways of how to inform school children of the dangers of entering a building site, with a likely future school visit. The applicant has confirmed that new boundary fencing would be erected between the site and the school grounds. However, a condition is necessary to secure a suitable fence type that is acceptable to the potential housebuilder, the school and officers.

Ward Councillors (Cllr Andrew Pinnock and Cllr Kath Pinnock)

Officer response: Observations, preferences and comments noted. Officers passed on these comments onto the applicant to consider. The applicant has chosen to respond as follows:

"With regard to the clump of trees located on the western (opposite) side of the M62 to the application site, from a heritage point of view there is no "link" between the trees located within the application site. This is confirmed by the heritage evidence which was submitted as part of the Local Plan process and the heritage work that we have submitted with the planning application. Notwithstanding this position, as requested by members at the January planning committee, the amended scheme seeks to retain additional trees located at the frontage of the application site. The retention of the western clump of trees located at the site's frontage will also provide additional screening/landscaping between the M62 and the proposed new homes, whilst also framing any views towards Whitechapel Church when approaching the site from the west.

The retention of the western clump of trees has resulted in a further reduction of homes at the site to 122, which aligns exactly with the indicative site capacity outlined within the Local Plan. You will recall that the proposed number of homes to be delivered at the site has reduced from 170 at the start of the Local Plan process, to 133 at the original point of submission and to 124 homes when the application was heard at the January planning committee. The retention of the eastern clump of trees at the site's frontage would therefore result in a reduction of homes below the indicative capacity stipulated in the Local Plan, as due to other site constraints we would be unable to replace these homes

elsewhere within the site. A further reduction of homes at the site would also raise doubts against the overall deliverability of the development and the ability to fully deliver on the substantial planning obligations that the scheme is currently seeking to deliver including 20% affordable homes on-site, education contributions of £480k and £72k towards improvements to existing areas of open space. Furthermore, following feedback from the Council's Tree Officer, we have revised and updated our proposed Tree Mitigation Strategy for the site to improve the quality of replacement trees that we are seeking to deliver. Which will not only result in a robust level of mitigation, but will provide biodiversity benefits by increasing the distribution of tree planting across the whole of the application site.

Overall, when everything is considered holistically, we believe that the updated proposals for the site provide an acceptable form of development which fully delivers the requirements of the site allocation, whilst providing substantial socio-economic benefits and fully mitigating the impact of the proposals.

With regards to Made Ground, a Phase 1 & Phase 2 site investigation has been submitted with the planning application and these reports are available on the Council's website. The reports identify that Made Ground is encountered on the site at depths between 1.9m to 3.3m within the mound located on the north-western boundary of the site. The Made Ground is identified as having a low level of pollutant risk, with no remediation needed. The borehole logs identify that the ground below the Made Ground is predominantly clay, with some sand in places. However, as can be seen from the submitted Site Sections (enclosed), the Made Ground is due to be removed from site following further isolated testing of it. A new bund/buffer area will be created along the site's western boundary to improve the amenity/outlook of the proposed new homes, whilst also providing robust mitigation in respect of noise and air quality as agreed with the Council's Environmental Health Officers. The new homes will be located over 32m from the edge of the Motorway and will be screened/protected by existing and proposed landscaping and acoustic bund. With regards to groundwater, some of the borehole investigations found groundwater seepage into areas of the site, including from the area of Made Ground, but the reports conclude that due to the impermeable cohesive strata being present across the majority of the site the groundwater conditions are classified as static. This has been taken into account in the proposed drainage strategy of the site which seeks to positively drain future rain/surface water into below ground attenuation storage tanks prior to being released at a controlled/restricted rate to the agreed discharge point. Furthermore, as a further robust measure, a silt water management strategy will be delivered to ensure that during construction groundwater is contained within the development and does not cause any contamination risk to adjacent water courses.

Finally, in respect of the PROW, Cllr Pinnock is correct in that the "walked footpath" does not align with the definite PROW. A number of discussions have taken place with the Council's PROW officer in order to provide a comprehensive response to this matter from a theoretical and practical point of view. The latest submitted plans show an annotation (green dashed line) for the agreed diverted route for the PROW and a formalisation of the "walked footpath" through the development. Which links from the existing PROW route to the north of the Church through to the site's northern boundary. We agree that we wouldn't want people to walk across the School fields and thus the diverted route directs people to the north-west corner of the site to connect with

the existing “walked route” which takes people to the Spen Valley Greenway. To further encourage the use of this preferred route the development will deliver a “Multi-Modal Link” from the proposed footpath located along the western edge of the development through to the north-west boundary of the site. We will also be providing a contribution of £20k to enable improvements to the area of the footpath located between the site and the Spen Valley Greenway, which could include re-surfacing should the Council wish. The funding will be transferred to the Council via the Section 106 Agreement, meaning that the Council will then have the powers to progress in the manner they wish to.”

Planning obligations

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

- 1) Affordable housing – 24 affordable housing units (tenure split to be 20 units would be discount for sale and 4 units would be for social or affordable rent) to be provided in perpetuity. In accordance with Local Plan policy LP11.
- 2) Open space – Off-site contribution of £71,397 to address shortfalls in specific open space typologies. In accordance with Local Plan policy LP63.
- 3) Education – Education – Off-site contribution of £470,709, based on 122 dwellings to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
- 4) Junction monitoring – Off-site contribution of £10,500 for 5no. Bluetooth journey time detectors at the Whitechapel Road / A638 Bradford Road / Hunsworth Lane Traffic Signal-Controlled Junction. In accordance with Local Plan policies LP4 and LP21.
- 5) Core walking and cycle network improvements – Off-site contribution of £20,000 towards the improvement of a link between the site and the Spen Valley Greenway. In accordance with Local Plan policies LP4, LP20 and LP23.
- 6) Bus stop improvements - £23,000 towards the provision of a bus shelter and real time information to bus stops on Whitechapel Road. In accordance with policies LP4, LP20 and LP21.
- 7) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring and a sustainable travel fund of £62,403. In accordance with Local Plan policies LP4, LP20 and LP21.
- 8) Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain). In accordance with Local Plan policy LP30.
- 9) Multi-modal link route to be delivered between the proposed estate road and the boundary of the application site, adjacent to plots 83-87. In accordance with Local Plan policies LP4, LP20 and LP23.

10) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including private surface water drainage until formally adopted by the statutory undertaker). In accordance with Local Plan policies LP4, LP27, LP28 and LP63.

10.108 The Community Infrastructure Levy (CIL) is not yet adopted in Kirklees, therefore the council is unable to secure contributions at CIL rates at this stage.

10.109 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.

Other matters

10.1010 A regional high-pressure gas pipeline runs underneath Whitechapel Road, immediately adjacent to the site's southern boundary. The Health and Safety Executive (HSE) does not advise, on safety grounds, against the granting of planning permission in this case. Northern Gas Networks initially objected to the planning application, due to the potential adverse impact on this apparatus. The agent has been in contact with Northern Gas Networks and as a result further clarification and reassurances have been provided regarding the proximity of the houses to the pipeline and proposed use of the proposed development access point. After receipt of this information, Northern Gas Networks are now willing to rely on their statutory powers and so withdraw their objection.

11.0 CONCLUSION

11.1 The application site is allocated for housing development in the Local Plan under site allocation HS97, and the principle of residential development at this site is considered acceptable.

11.2 Officers consider that the applicant has submitted the relevant information as outlined in paragraph 1.5 to address the reasons for deferral at the 27th January 2021 strategic planning committee.

11.2 Officers acknowledge consultees preference for biodiversity net gain to be properly demonstrated prior to the determination of the application. It is understood that the applicant is still in the process of updating the Biodiversity Net Gain calculations in association with the latest layout. Officers believe that the necessary planning conditions and obligations can secure a biodiversity net gain. This approach has been considered acceptable by strategic planning committee previously for other major development sites.

- 11.3 Development Management acknowledge concerns raised by consultees regarding an affordable housing tenure mix that is heavily weighted in favour of affordable home ownership and the loss of protected trees. These would attract negative weight in the balance of relevant planning considerations. The proposed development's benefits (including the provision of 122 dwellings of which 24 would be affordable homes, construction-phase employment, planning obligations that would benefit the public as well as residents of the development), however, attract significant positive weight.
- 11.4 The site has a number of constraints in the form of the public rights of way that crosses the site; noise and air quality considerations associated with the neighbouring motorway; the regional high-pressure gas pipeline found at Whitechapel Road; the neighbouring Grade II listed Whitechapel Church; surface and foul water drainage considerations; on-site protected trees and neighbouring mature trees; and ecological considerations. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage.
- 11.5 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.6 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and the signing of the section 106 agreement it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Approval of building and external materials.
4. Full details of hard and soft landscaping including a detailed planting schedule. Proposals should accord with the principles set out in the Ecus Ltd Tree Mitigation Strategy.
5. Full details of boundary treatments within and around the site (including the protection and enhancement of the existing stone wall feature at Whitechapel Road).
6. Measures to prevent and deter crime and anti-social behaviour.
7. Submission of details as to the provision, agreement, implementation and retention of appropriate PRow provision and treatment.
8. Submission of details of the proposed PRow, including cross and long sections, constructional and details for public access.
9. Submission of details regarding the path on site north of the Priory public house, how it meets and works with the estate road layout.
10. Submission of details as to the provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.

11. Submission and implementation of an Landscape and Ecological Management Plan (LEMP)
12. Submission of details securing biodiversity enhancement and net gain.
13. Construction Ecological Management Plan (CEMP)
14. Development to be carried out in accordance with the submitted arboricultural method statement.
15. Full details of works within 15 metres of the Highway England boundary, including geotechnical and/or structural submissions of works that impose additional load or influence on the existing banking, gantry or boundary treatment.
16. Construction details of retaining features adjacent to the highway.
17. Construction details of surface water attenuation features within the highway footprint.
18. Submission of further acoustic barrier details as outlined in SLR report.
19. Implementation of the agreed noise mitigation measures detailed in SLR report.
20. Submission of details showing ventilation of habitable rooms if windows need to be kept closed.
21. Accordance with the M62 Separation Distance Buffer Zone, this is to be retained thereafter and no dwelling of any kind is to be sited within the 12.25m air quality buffer zone.
22. Reporting of Unexpected Contamination
23. Verification Report for any imported topsoil
24. Details of the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles
25. Submission of a construction management plan/s to mitigate the impact of construction on highway safety and amenity, with due regard to potential impacts on the M62 J26 and consultation with key neighbour representatives.
26. Submission of internal road details (full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audits)
27. Measures to manage parking to manage parking on Whitechapel Road to either side of the proposed access and all associated works, together with appropriate road safety audits.
28. Submission of a residential full travel plan
29. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
30. Measures to protect the public sewerage infrastructure within the site boundary shall be provided and agreed before implementation
31. Provision of site entrance and visibility splays prior to works commencing.
32. Provision of temporary waste storage and collection during construction.
33. Submission of details showing offsite drainage works.
34. Submission of detailed design and details of the drainage works. Finalised plans for site drainage must not connect into or impact on Strategic Road Network drainage systems;
35. Submission of fully worked up drainage design with long sections.
36. Submission of details to manage any volumes up to 1 in 100 year plus climate change specifically the flooding noted in microdrainage calculations at the head of systems.
37. Submission of details requiring drainage management and maintenance agreement.
38. Submission of temporary drainage works information and management and maintenance during construction phase.

39. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
40. Submission of measures to protect the public sewerage infrastructure that is laid within the site boundary and subsequent implementation of such measures.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93658>

Certificate of Ownership – Certificate A signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2020/92546 Outline application (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works. Land off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield, HD4 7AD

APPLICANT

Empire Knight Group Ltd

DATE VALID

05-Aug-2020

TARGET DATE

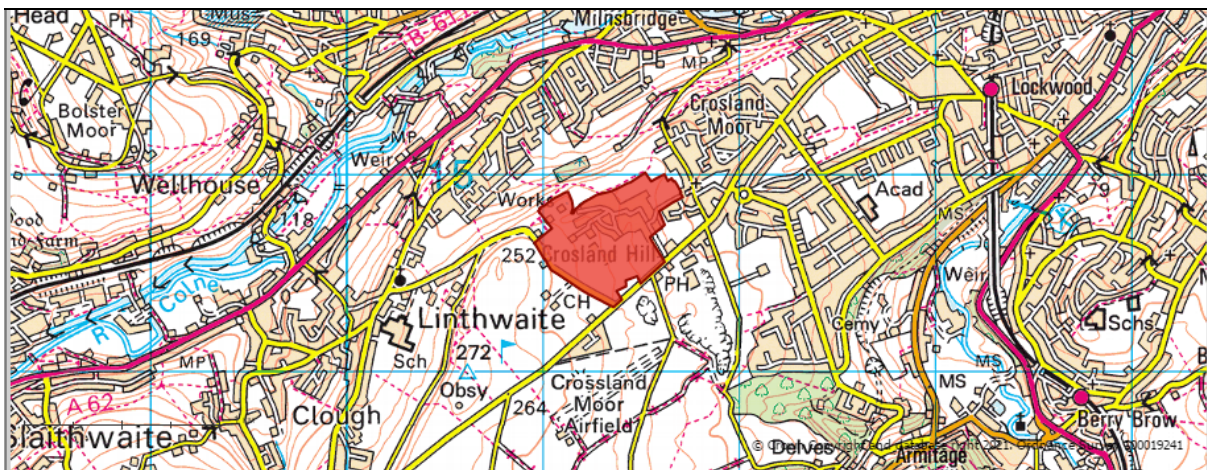
30-Sep-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Crosland Moor and Netherton Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing unless otherwise agreed at Reserved Matters stage;
2. Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address shortfalls in specific open space typologies.
3. Education – Contribution of up to £1,312,000 based on 770 dwellings to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined at Reserved Matters stage. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
4. Highway Improvements - Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.
5. Sustainable transport – Measures to the value of £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan and £15,000 towards Travel Plan monitoring – based on 770 dwellings as well as the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop) and the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).
6. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
7. Bio-diversity – Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.
8. Air Quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

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 application seeks outline planning permission for the residential development of this allocated Local Plan housing site for up to 770 dwellings (including up to 70 care apartments), as well as capacity to provide a doctors surgery of up to 350m² and up to 500m² of 'town centre' type (retail, food and drink, community use etc.). It is submitted with all matters except access into the site reserved for future consideration. It is brought to this Strategic Committee because it proposes more than 60 residential units, in accordance with the Council's Scheme of Delegation.
- 1.2 Members may recall that a previous application at the Black Cat site (2018/90748) was considered and refused by the Strategic Committee of 1st August 2019. This application was also submitted in outline to consider means of access into the site only. It proposed up to 630 dwellings, up to 70 care apartments (700 in total) as well as capacity for a doctors surgery of up to 350m² and up to 500m² of 'town centre' type uses. The application was refused for the following reason:

'The Kirklees Spatial Strategy detailed in the Kirklees Local Plan seeks to provide new homes which meet the needs of the community. There is an identified and justified need for the provision of affordable housing within Kirklees which this scheme fails to sufficiently provide for. Policy LP5 requires masterplans to make efficient use of land through appropriate densities and also provide a mix of houses that address the range of local needs. The indicative masterplan does not achieve these policy outcomes. Policy LP7 of the Kirklees Local Plan requires the effective use of land and the new developments should achieve a density of 35 per ha where appropriate. This application does not achieve this level of density and as a consequence also fails to deliver the required contributions towards affordable housing or education provision, thus in addition to being contrary to Policy LP7 it is also contrary to Policies LP4, LP5 and LP11 of the Kirklees Local Plan.'

- 1.3 This outline proposal seeks an additional 70 units from that previously proposed and it would be policy compliant as set out in the report below.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies approximately 3.5k to the south west of Huddersfield town centre within the Crosland Hill district. In its entirety, the red line boundary extends to 29.3 hectares. It is broadly bounded by Blackmoorfoot Road to the south and the curtilage of businesses and dwellings on Mason Court and Crosland Hill Road to the east. This includes a Grade II Listed farm complex at the Grade II* Listed Crosland Hall and the Grade II Listed properties at 67, 69 and 69a Crosland Hill Road. Felks Stile Road lies to the west, beyond which is open land within Crosland Heath Golf Club. To the northern boundary is open land extending to approximately 12.2 hectares within the Green Belt, which is partly within the ownership of the applicant. A public footpath (HUD/234/80) runs along this northern edge.
- 2.2 It is an extensive plot that presently comprises a large number of storage sheds, hardstanding and internal roads that are spaced centrally on the land. It is presently used mainly for the storage of explosives, and provides employment for approximately 20-25 people. Vehicular and pedestrian access is from Blackmoorfoot Road via Standard Drive, which also serves a number of (vacant) dwellings (associated with the premises) and the reception/ office area.

- 2.3 The western edge of the site is generally open grassland with the boundary formed by dry stone walls. This reflects the more rural character of the area to the west, on the opposite side of Felks Stile Road. There are also a significant number of trees on the perimeter and across the site. A further feature of the land is its topography. It varies across the plot due to natural gradients, old quarry sites and the man-made platforms constructed as part of the fireworks factory. There is a fall in levels of approximately 50 meters from west to east.
- 2.4 The character of the surrounding area is mixed. To the east and south-east, there are commercial properties along Blackmoorfoot Road including the caravan storage site and Johnsons Wellfield Quarries Ltd. The remaining context is largely residential comprising a range of house types, forms and materials. The latter includes mainly natural stone on Crosland Hill to artificial stone on Mason Court. In addition to the Golf Club, the north and west of the site retains its rural character and the site essentially represents a transition from the more urban and established form of development to the east to the more open landscape to the west.

3.0 PROPOSAL:

- 3.1 This application seeks outline planning permission for the development of the site for up to 770 dwellings, including up to 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as a small unit (or several small units) of up to 500m². This could be used for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these.
- 3.2 The application is submitted with all matters except access into the site reserved. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

'Accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

This application therefore seeks to consider the principle of residential development and the means of access only. For the purpose of this application, it relates to the means of access into the site and not 'within' it. Matters of the layout of the site, the appearance of future buildings, their scale and the landscaping of the site are all reserved for subsequent approval. They would be submitted through a future Reserved Matters application(s).

- 3.3 The primary means of access into the site would be taken from Blackmoorfoot Road. It would be sited approximately 70 metres to the south-west of the existing access point along Standard Drive and approximately 280 metres to the east of the Blackmoorfoot Road/Felks Stile Road junction. This new access onto Blackmoorfoot Road would be provided in the form of a priority controlled junction. It would be a 6.75 metre wide carriageway with a cycleway and 2 metre footways on either side.

- 3.4 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on Blackmoorfoot Road. This would require the widening of the Blackmoorfoot Road carriageway along the site frontage.
- 3.5 A second access would be provided onto Felks Stile Road. This would also be a standard priority controlled junction. It would be constructed as a 5.5 metre wide carriageway with 2 metre footways on either side.
- 3.6 Means of access for pedestrians and cyclists would be provided at both of the vehicular access points, in the form of pedestrian footways, dropped kerbs and tactile paving. The pedestrian facilities at the Blackmoorfoot Road site access junction will link with the existing pedestrian footway on Blackmoorfoot Road. A further pedestrian link would be provided on the eastern boundary of the site to create an access to the nearby village of Cowersley.
- 3.7 Whilst submitted in outline, the applicant has provided an indicative layout, which is purely illustrative and would not form an approved plan. It principally shows a series of looped internal roads from the main access points. Such an arrangement would produce a number of development parcels within the site and allow the new residential units to be laid out in an appropriate form, with back-to-back gardens. Towards the boundaries, cul-de-sacs are shown, providing a softer composition of houses. Across the site, the layout indicates a mix of terraces, semi-detached and detached properties.
- 3.8 The illustrative plan also shows the provision of the local centre situated close to the site entrance and the care home facility in the south-west corner of the site, close to the junction of Blackmoorfoot Road and Felks Stile Road. Two primary green spaces are indicated. The largest would be along the northern boundary, within the part of the site that is Green Belt. A further open area is shown on the eastern edge of the site to form of buffer between the development and the Crosland Hill Farm listed buildings.
- 3.9 This layout plan has been supplemented by a revised Design and Access Statement, developed in the course of the planning application process to provide an element of certainty in respect of the quality and form of development at Reserved Matters stage. It includes a series of parameter plans and guidance covering a range of issues that will influence the future layout, the appearance of buildings, their scale and the landscaping of the site. These include an access and movement strategy, green infrastructure, building heights, indicative densities and principles relating to character and appearance and the development of character areas within the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The most relevant planning history is summarised below:

2018/90748: Outline application for the development of up to 630 residential dwellings (Use Class C3), up to 70 care apartments with doctors surgery of up to 350m² (Use Classes C2/C3/D1), up to 500 m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works.
Refused: 14th August 2019.

Prior to this application being refused, a position statement on the application had been presented to the Strategic Committee on January 3rd 2019. Progress on all aspects of the application was reported and any Member views or questions were sought. The application was accompanied by a Viability Appraisal at that time and the level of financial contribution offered was £630,000 (based upon £1,000 per market dwelling). This level of contribution was significantly below a policy compliant scheme. The Committee expressed the view that such a level of contribution, which provided for no affordable housing, was not sufficient and that further negotiation was required to address this issue.

Pre-app: 2017/20381. This pre- application enquiry proposed the use of this site for up to 700 dwellings, with access taken off Blackmoorfoot Road and Felks Stile Road, and a 500m² retail unit in the south-east corner of the site. It was considered by the Strategic Committee on 11th January 2018. The Committee also undertook a site visit at that time. Members were supportive of the principle of a residential scheme across this site and of the need for the Council to deliver additional housing. There were positive comments about the opportunity to deliver innovative design and energy efficiency solutions on the site. An initial masterplan for the entire site was presented and the masterplanning process explained and the reaction to the masterplan and the process was positive. There was a concern that the development should be satisfactorily accessed from the neighbouring road network. A pre-application public consultation exercise with the local community and Ward Councillor subsequently took place in January 2018.

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

- 5.1 Extensive negotiations have taken place between the applicant and Highways on the adequacy of the strategic network and any mitigation that may be deliverable. (This is set out in the Highways section of this report).
- 5.2 Negotiations have also taken place regarding the drainage solution on the site, and this will be appropriately conditioned.
- 5.3 The Design and Access Statement has been revised in the course of the application to provide additional guidance for any future Reserved Matters application.

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 Kirklees Local Plan (adopted 27th February 2019).

Kirklees Local Plan

- 6.2 The site is allocated for housing within the Local Plan (HS23) with an indicative capacity of 684 dwellings with the potential for a further 16 beyond the plan period (700 in total).

6.3 The following policies within the Local Plan are most relevant to the determination of this application:

- LP3 Location of new development
- LP5 Masterplanning of sites
- LP7 Efficient use of land and buildings
- LP8 Safeguarding employment land and premises
- LP11 Housing mix and affordable housing
- LP13 Town Centre Uses
- LP20 Sustainable travel
- LP21 Highways safety and access
- LP22 Parking
- LP24 Design
- LP27 Flood Risk
- LP28 Drainage
- LP30 Biodiversity and geodiversity
- LP32 Landscape
- LP33 Trees
- LP38 Minerals safeguarding
- LP49 Education and Health care needs
- LP51 Protection and improvement of local air quality
- LP53 Contaminated and unstable land
- LP63 New Open Space
- LP65 Housing Allocations

Supplementary Planning Guidance/Documents

6.4 The most relevant SPG/SPD document is the following:

Highways Design Guide SPD (2019)
Kirklees Interim Affordable Housing Policy (2020)
Providing for Education Needs Generated by New Housing (2012)

6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the 'Quality Places' consultation. These have undergone public consultation but have not yet been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

National Planning Guidance

6.6 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

Chapter 7: Requiring good design

Chapter 9: Promoting sustainable transport

Chapter 11: Conserving and enhancing the natural environment

6.7 The following national guidance is also relevant:

National Design Guide (2019) - The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in the Huddersfield Examiner (28 August 2020). It was also advertised by means of direct neighbour notification letters that were sent on 17 August 2020.

7.2 A total of 56 representations have been received objecting to the application.

7.3 The following is a summary of the points raised. It is not a complete replication of the responses, which can be viewed in full on the Council's website at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92546>

Highways

- The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane. It then changes to a 40mph thereafter. The speed limit is seldom adhered to with speeds in excess of the national speed limit. A more suitable and safer solution would be a roundabout, which would be offset to the Sands House Lane junction and Blackmoorfoot Road;
- The top part of Blackmoorfoot Road and Felks Stile Road are not designed for high volumes of traffic. They are very narrow in parts and only enough for 2 cars to pass i.e. no pavements or parked cars;
- The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures are not reliable;
- The Traffic numbers do not take in to account that most of Blackmoorfoot Road does not have any road restrictions (e.g. yellow lines, etc.) and therefore a lot of traffic is parked on either side of the road. This does cause congestion as this reduces the road to one lane of traffic;
- The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. This is a single decker bus service run by First. The 389 & 393 services mentioned in the planning details are the smaller Stott buses which probably hold no more than 20 people and run infrequently. The 328 bus turns down Balmoral Avenue so how will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate. The 393 mini bus will pass the estate but only carries

approximately 20-30 passengers and only runs mon-sat 9-5pm no buses on an evening, bank holidays and Sundays;

- Need to enable and encourage active travel by future residents to minimise car usage and promote healthy lifestyles;
- Additional traffic on Blackmoorfoot Road generated by this development and at the former St. Lukes hospital site will be subject to increasing delays, particularly at the Manchester Road junction and at Longroyd Bridge, and the roadside environment for residents, pedestrians and shoppers, already of poor quality, will further deteriorate;
- The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools;
- The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road, also an important route to Colne Valley High School and primary schools in Linthwaite;
- The site layout should enable bus penetration;
- Some form of traffic calming needs to be put in place;
- The applicant should provide a more suitable method of entrance to the site as given the nature of the road when viewed from the Crosland hill road junction;
- The application includes inaccuracies and fails to mention the Methodist church where the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes, all of which will place a burden on a road;
- Many of the roads in the Colne valley and surrounding areas are not suited to increased traffic volumes, especially Milnsbridge and Longroyd Bridge. Why is increased traffic volume never addressed in large plans such as this?
- Increasing traffic on this very small road will inevitably increase the chance of an accidents, bottlenecks, road rage and jams. As such it will have a detrimental impact on property values and our quality of life - the road simply isn't fit for purpose for the current traffic volume, let alone 'any' potential increase of this nature;
- Blackmoorfoot Road and Felks Stile Road were not designed for high volumes of traffic. They are very narrow in parts and only wide enough for 2 cars to pass i.e. no pavements or parked cars. Building 770 houses will increase the volume of traffic in both directions on these roads. Will the developer be widening the roads and adding street lighting and pavements?
- There is no adequate public transport servicing this site, with the nearest bus stop at least a 15 minute walk away. This is not accessible for those with mobility issues, and will encourage residents to use cars;

- The approved St Luke's and Netherton Moor Road sites will see over 1200 additional cars on the road, between them. With an additional 700 homes and 70 care homes, taking into consideration staff and visitors, there is potential for this number to increase by a further 1,450, or 2 cars per dwelling. In this small area of just a few square miles, this will see approximately 2500 additional vehicles on the road. Not only will this lead to severe traffic problems, but will significantly increase emissions within the local area, and Huddersfield as a whole;
- Parking between Dryclough Road and Balmoral Avenue junctions can be impassable at times which would be made worse by adding to the traffic system. Cars are already parking on pavements in a way that causes parents with prams or wheelchair users to have to move onto the busy roads to get past;
- A requirement to upgrade facilities for walking and cycling would be required to facilitate greater uptake of active travel. With safer walking and cycling facilities on local roads and footpaths, residents will be able to access shops and services and the town centre without a car.

Design

- It is imperative that the correct stipulations are made regarding materials to be used; St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area;
- All dwellings should be carbon neutral.

General

- The plans include too many houses especially affordable homes. This will turn this part of Crosland Hill into a huge housing estate;
- The area is semi-rural and should remain that way;
- The Crosland Hill area would be changed from a small hamlet to a high urban area with a higher footfall;
- Reduced property values in the area;
- If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained;
- Crosland Hill is a semi-rural area and attracts a number of people, particularly dog walkers and walkers in general. I feel that the plans will turn Crosland Hill into a massive housing estate which will remove the natural beauty of the area and stop people coming;
- A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties;

- The building of the site on the former St Luke's Hospital is already going to introduce a further influx of families which will be impacting on the highways, need to access healthcare services and need school places so the allow a further 770 houses to be built in such close proximity will have a major detrimental impact to residents of Crosland Moor/Crosland Hill.
- Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area;
- A reduced number of homes on this site, made largely of affordable homes, would be much more beneficial for the area, and I am sure would be more acceptable to local residents, many of whom are not opposed to new homes, just not in a way which will impact on the local area in quite such a devastating way. A smaller number of dwellings will also cause less destruction of the high-value habitats, and is less likely to impact on existing houses which border the proposed site;
- A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Living Conditions

- Concerned about the level of noise and disturbance this will cause. The site could be under development for years;
- The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed;
- Privacy would be invaded as no one looks onto the residents at present and also the peacefulness and their wellness (when sat in the garden) would be decimated;
- Loss of sunlight and daylight;
- Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Ground conditions

- There is gun powder and asbestos buried on the site – the residents were told the land could never be built on;
- The houses on Greystone and Mason Court are built on a former quarry site. Resident are concerned that more houses and the vibrations from the works could have an impact on their foundations;

- The land that the current dwellings sit on was unsuitable for building, and so an artificial platform was built. Great care will need to be taken to ensure these foundations would not be disturbed or damaged by any new construction work, which could cause significant damage to property, and in a worst case scenario, loss of life.

Landscape and Bio-diversity

- The development will destroy the wildlife on the site;
- It involves the loss of mature trees;
- There will be no Bee corridor to help promote keeping the Bees, insects and Fauna and wildlife and plants;
- The KC ecology report has reservations about loss of Greenfield land and heathlands habitat, and the removal of trees. Consulting the plans, it appears that an area woodland will need to be cleared, and traffic will also be funnelled through an existing, quiet residential street. This is unfair to residents, and will cause serious issues during at least 7 years of development, and beyond that time once residents move in;
- The area is well known as a habitat for wildlife that will be destroyed if housing takes place.

Infrastructure

- Schools, doctors, dentists are all full;
- Proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctors surgery is provided and therefore should be discounted during any approval consideration;
- The closest existing services are at the junction of Blackmoorfoot Road and Dryclough Road and consist of a range of shops including a post office/newsagent, mini-market, greengrocers, bakery and fish and chip shop. This is approximately 1 mile from the centre of the site. At the Park Road West junction with Blackmoorfoot Road is a small Cooperative supermarket, a pharmacy and several other small shops. In Gilroyd Lane, Linthwaite closer to part of the site in Felks Stile Road, there is a minimarket and petrol station), accessed via School Lane. This is approximately 1.25 miles from the centre of the site.

Drainage

- There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow;
- The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?

- The existing infrastructure drainage within the surrounding roads will not have been designed or built for the proposed development and therefore cannot manage the additional impacts of the development without upgrade or improvement. The developer should be required to improve where required existing drainage infrastructure to ensure that the impacts of the development do not impact further down the hill on existing local residents;
- The residents have been led to believe the current drainage infrastructure can't cope with many more houses. Crosland Moor and Crosland Hill is in a hill which ultimately will cause a risk of flooding down to the bottom of Crosland Moor;
- Crosland hill is very exposed and building this development would significantly risk flooding of the existing houses. The Standard fireworks site currently allows rain to slowly soak away and building such a high number of dwellings on such a steep hill will cause flood issues;

Construction Traffic

- Construction Traffic – residents in the area already have to tolerate wagons coming to Wellfield Quarry and Lowdhams Caravans and the massively damaging impact these have on the road surface. Adding construction traffic will only exacerbate the problem.
- Site Clearance, noise of Site Traffic, plus the lengthy construction time it will take to build the whole development, would change the character of the semi-rural environment, it which we have chosen to live;
- A development in such proximity will take away any selling feature it currently holds including 'a unique detached property with outstanding views of beautiful countryside' and reduce its value considerably.

Heritage

- This number of dwellings will irreparably damage the character of Crosland Hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.
- This development will drive significant numbers of people past Crosland Hall via Thewlis lane. This route should be made explicitly impassable to avoid ruining the setting of the Grade II* listed Crosland Hall.

7.4 The Huddersfield Civic Society have provided a comprehensive response to the application, summarised below:

- How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery? It is important that commitments made by the applicant in the outline planning application are locked into the completion of the development by any and all developers and during all phases;
- There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.

- With regard to community facilities, the assumption that supply and demand will cover additional facilities required is understandable. However, if these are not planned into the master plan, they can become incompatible with the new community. HCS would like to see allocation of space for these developments, so it is an integrated approach to place-based living and working. These spaces need to be designed in, so they are cohesive and engaging. The area needs to be considered a community (and potentially an expanding one) and not just another housing development to meet home building targets;
- The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.
- The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working;
- Given the size of the overall development, there needs to be further consideration of the convenience of current facilities and services and where additional facilities and services could be provided;
- For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycleways as well) that will be heavily used by pedestrians (and cyclists) should be required.
- There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel;
- There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site;
- The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety;

- S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park);
- To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"
- Outline Planning Applications are only the first stage in this process but our submission seeks to raise the quality and energy efficiency and potential energy sources) of the homes before the application moves into more detailed specifications;
- The requirement for living and working sustainably in energy efficient houses needs to be part of a wider appraisal of the likely carbon impact of this development once occupied and how that fits with UK obligations to meet Net Zero Carbon by 2050 (UK legislation) or indeed Kirklees Council and West Yorkshire's 2038 targets.
- The orientation of buildings is, for instance, something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.
- This development spans a critical period for Kirklees Council and the community when it comes to decarbonisation, with a continual halving of the emissions every 5 years (the biggest amounts in the first two 5-year periods). However, this is not just about meeting our carbon targets, homes have to be affordable and comfortable to live in;
- Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy;
- Given the changes in energy mix likely to take place over the next 10-20 years, it will be important that homeowners do not have to retrofit their properties with added insulation or non-fossil fuel renewable energy because building targets took precedence over future-proofing buildings. Carbon intensive fuels are likely to get more expensive for the consumer and this should be reflexed in the outline planning application and full applications;
- The S106 agreements need to cover tree planting, greenways, parks as well as highways access changes, footpaths, cycling facilities and consultation in affected neighbourhoods on Low Traffic Neighbourhoods;
- There are some good features in the masterplan: tree planting, linear greenways, pocket parks, and a square. The Kirklees Council's tree assessment suggests that the applicant needs to improve landscaping and we are dismayed at the loss of mature trees, which should be kept to a minimum, particularly where it provides barriers to traffic noise. To complement the trees and biodiversity HCS would like to see natural water management wherever possible through SUDS.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Lead Local Flood Authority- Objected to the original submission on the grounds that it went against previous advice and instruction given. Revised details subsequently provided.

KC Highways - No objections subject to conditions and appropriate contributions towards junction improvements further down the road network.

8.2 Non-statutory:

KC Policy: A development of 770 dwellings, including up to 70 extra care apartments exceeds the amount set out in the site allocation and the principle of development of this scale is considered to meet the requirements of Policy LP7.

KC Education Service- A financial contribution would be required in this case towards Secondary Provision to fund additional places at Moor End Academy. KC Education Services note this calculation assumes all 770 dwellings are for 2 or more-bedroom units. This is correct at the time of writing but subject to change following any further application [at Reserved Matter stage].

Yorkshire Water - No objection subject to conditions.

KC Conservation and Design: No objection to the development of this site subject to consideration being given to the provision of a buffer between the development and Crosland Hill Road, a development that reflects the local characteristics including street layouts, scale and materials, retain the existing dry-stone walling boundary features, retain and convert the barn at Felks Stile Road (within the blue line), landscape an area of the site to the south east of Felks Stile Road to retain the views across the valley and rural context of this building.

WY Archaeology: Recommend that the site is subject to an archaeological evaluation prior to determining the application and that a record of the Black Cat Fireworks Factory should also be made, or that a condition is imposed stating that no development take place until a programme archaeological recording has been secured.

KC Strategic Housing- There is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bedroomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees, at 60%. 20% of homes rented privately and affordable housing constituting the remaining 20%. House prices in Huddersfield South range from around £85,000 to £160,000 and lower quartile rent in the area is £399 per month. The applicant proposes 2, 3 and 4 bed housing, a mixture of these would be suitable for this development. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from market housing in terms of both quality and design. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. 85 social or affordable rented dwellings and 69 intermediate dwellings would be appropriate for the development.

KC Environmental Health- Recommend conditions in the event of an approval covering noise attenuation; decontamination/remediation; air quality; and lighting.

KC Trees- Requested an amendment to the Felks Stile Road access to enable the retention of a TPO tree, which was subsequently undertaken. No objection to the revised proposal subject to a requirement that the future Reserved Matters submission should make provision for new trees as well as retaining the best of those that already exist.

KC Environment Unit- No objections in principle, but recommend conditions to ensure the potential for bio diversity enhancement across the site is ensured with an ecological masterplan and framework condition.

KC Ecology - In general, the principal of development at this site is acceptable, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain at a reserved matters stage. Several conditions will be required to ensure the development accord with local and nation policy.

KC Waste Strategy - It is noted that the application is for outline approval for access with all other matters reserved. Waste Strategy has no objection to the outline application provided Refuse Collection Vehicle access is adequately considered at all site access points.

Police Architectural Liaison Officer- West Yorkshire Police supports the principle of this application in its current form, subject to the advice being incorporated into the design plans. Any reserved matters submission should take account of designing out crime measures.

9.0 MAIN ISSUES

- Principle of development;
- Reserved Matters - Means of Access into the site and highway and transportation issues;
- Reserved Matters – access within the site, layout, scale, appearance;
- Reserved Matters - Landscaping
- Bio-diversity;
- Housing mix and affordable housing;
- Living Conditions of Existing and Future Occupiers;
- Ground conditions;
- Air quality;
- Flood Risk and drainage;
- Heritage;
- Climate change;
- Response to representations;
- Other matters;
- Planning obligation.

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Policy LP1 of the KLP reflects guidance within the NPPF that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It states that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Within the KLP, this site is allocated for housing (HS23). Policy LP65 of the KLP advises that planning permission will be expected to be granted for sites allocated for housing in the Local Plan 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. Also relevant are Policy LP2 in relation to place-making and Policy LP3, which requires development proposals to reflect the Spatial Development Strategy and to have regard to Policies LP1 and LP2. Finally, Policy LP7 encourages the efficient use of previously developed land in sustainable locations, provided that it is not of high environmental value.
- 10.4 The allocation extends to the entire red line boundary of the application. It is identified to have an indicative capacity of 684 dwellings during the Local Plan period with potential for a further 16 dwellings beyond the plan period (700 in total). This application proposes a development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3). The indicative number of dwellings is therefore consistent with the site allocation in principle in that it would deliver at least 700 units.
- 10.5 The Site Allocation also identifies the following constraints and site specific considerations:
- The provision of a pedestrian footway across the site frontage;
 - Improvements to local highway links may be required;
 - Potentially contaminated land;
 - Air quality issues;
 - Odour source near site - industrial works;
 - Noise source near site - road traffic noise, licensed premises and industrial works;
 - Site is close to listed buildings;
 - Site is in an area that affects the setting of Castle Hill;
 - Landscape character assessment has been undertaken for this site, which should be considered in the development masterplan;
 - Provision to be made within the masterplan to access the north eastern portion of the site via the access from Blackmoorfoot Road/Felks Stile Road.

These matters are considered and assessed within the report below.

- 10.6 A substantial portion of the site is currently occupied by a working factory. In this regard, Policy LP8 of the Kirklees Local Plan seeks to safeguard employment land and premises currently in use for employment. However, the entire site is now the subject of a full housing allocation and as such, the principle of its re-use for residential purposes has already been accepted through the local plan process. Furthermore, it would be compatible with neighbouring residential uses and consequently, it would not prejudice the continued use of neighbouring land for employment. It is therefore sufficiently compliant with Policy LP8.
- 10.7 Furthermore, the business would need to be relocated before any development commences. Given the nature of the use (involving high explosives) a licensing process (outside the remit of the planning process) will need to be completed with the Health and Safety Executive prior to the business either closing or relocating to a site with a similar licence.
- 10.8 The application also includes provision for a community/retail facility to support the future residential occupiers. Whilst this will be subject to demand, the scheme proposes a doctors surgery of up to 350m² and a 500m² dual use facility. This could comprise the following uses: retail (Use Class A1), financial and professional (A2), restaurants and cafes (A3), drinking establishment (A4), hot food takeaway (A5) or a non-residential institution (D1) such as crèche, day nursery, hall etc. (Note: the application was submitted prior to the implementation of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 in force from 1 September 2020 and applications for planning permission submitted before that date must be determined using the previous use classes as above).
- 10.9 The NPPF identifies main town centre uses to include retail, restaurants, bars and pubs. This application would therefore introduce town centre uses in an out of centre location as there are no designated local or town centres within the application site and the site boundary is situated more than 300 metres away from an existing designated centre (i.e. it is not an 'edge-of-centre' location). The NPPF also confirms that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. It requires a local planning authority to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This approach is reflected in Policy LP13 of the KLP.
- 10.10 In accordance with the Framework and Policy LP13, the application has therefore been supported by a Sequential Test (ST). It is accepted that the scale of the proposed supporting uses and their location would only meet a specific, localised need resulting from the proposed residential development and the immediate surrounding area. They would not come forward in isolation of the wider development and they would be unlikely to serve a catchment area that would compete with existing centres at Dryclough Road (circa 1km to the east) and Crosland Moor (circa 1.5km to the east). Nevertheless, on the basis that Dryclough Road is the closest, this local centre forms the basis of the Sequential Test in this instance and the potential availability of existing retail or commercial premises within that centre has been considered accordingly.

- 10.11 A search of local estate agents' websites was undertaken as part of the ST to review any vacant or available units within the local centre that may be sequentially preferable to the proposed local centre having regard to their suitability, availability and viability for the intended use. No properties were identified as being available within the Dryclough Road local centre for any of the proposed uses forming part of the planning application. The ST also concludes that there are no available development plots either within or on the edge of the centre at this time that could facilitate the development of additional shops. The findings of the ST are accepted and it is also acknowledged that the scale of the proposal is such that it is clearly intended to meet local need. It would therefore not give rise to any significant retail impact on existing centres and for these reasons, the proposal is considered to comply with Policy LP13.
- 10.12 Overall, taking all these matters into account, the principle of residential development on this site, supported by a small retail/community/health facility accords with Policies LP1, LP2, LP3, LP7, LP13 and LP65 of the Local Plan. It is therefore considered to be acceptable, subject to compliance with other relevant policies in the Local Plan, which are assessed in the report below.

Means of access into the site – highway and transportation issues

- 10.13 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 reflects guidance within the NPPF, which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, 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 can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.14 A full Traffic Impact Assessment was submitted with the application, and the highway implications of the development are considered below with regard to vehicular access into the site, traffic generation and the impact of the development on the strategic network, site accessibility and access by means other than the private car.

Vehicular access

- 10.15 A new primary vehicular access into the site would be provided from Blackmoorfoot Road. It would be a priority controlled junction that would accommodate a 6.75 metre wide carriageway with a cycleway and a 2 metre footway on either side. This is the typical width of an adopted carriageway to allow all vehicles to pass each other with ease, as set out in the Council's Highways Design Guide SPD. The applicant has also demonstrated that it could accommodate an 11.85m refuse collection vehicle and that an appropriately visibility splay can be achieved from the proposed works to the frontage. This would include the relocation of the existing 30 mph speed limit to beyond the site access on Blackmoorfoot Road, which would be secured by condition. The second secondary access onto Felks Stile Road would be

designed to be a 5.5 metre carriageway with a 2m footway on each side. Both are considered to be acceptable in principle in their design.

- 10.16 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on Blackmoorfoot Road. This would require the widening of the carriageway along the site frontage. The existing 30 mph speed limit would also need to be relocated to beyond the site access on Blackmoorfoot Road to facilitate suitable sightlines for the development. This would be secured via a planning condition. In principle, however, this arrangement is considered to be acceptable.

Traffic generation and Trip Distribution

- 10.17 For the purposes of the Traffic Impact Analysis within the TA, a total development of 770 residential units has been assessed. This is the maximum number of dwellings that is proposed within this application. It is acknowledged that 770 includes the potential for elderly residential provision on the site (up to 70 units), which would reduce the level of traffic generated, especially in peak periods. However, the base of 770 is considered to provide a robust assessment.

- 10.18 Looking at traffic generation, the applicant derived their forecast development flows using the agreed trip rates from the consented 2014 St Luke’s Hospital development as requested by the Council’s Highways Officer. The applicant did also highlight advice set out in the TRICS Guidance Note titled ‘Change in Travel Behaviour’ (July 2019), which notes that during the period from 2002 to 2017, residential trip rates have declined by around 12%. These reductions are the result of modal shift but, more notably, reductions in commuter and shopping trips due to increases in homeworking and online deliveries. Consequently, the trip rates that have been used for assessing this development from the TRICS database (an interactive database comprising a large number of transport survey records of individual developments across a wide range of land use categories) provides a robust basis for assessment. The trip rates and forecast traffic flows for 770 units is set out below:

	Arrival	Departure	Total number of 2 way trips
AM Peak 0700-0800	173	385	558
PM Peak 1700-1800	366	236	602

These figures exclude the proposed small-scale town centre facilities on the grounds that these would provide facilities for those living within the site. It has therefore been assumed that any trips generated by these uses would be internal and they would not result in any new traffic during peak hours.

- 10.19 Turning to trip distribution, the proposed development traffic has been assigned to the local highway network using a fixed route matrix. This assumes that 93% of traffic would travel along Blackmoorfoot Road and 66% travelling through the Manchester Road/Blackmoorfoot Road junction. Taking into account the trip generation and distribution figures, a key consideration in the assessment of this application has therefore been its impact on the surrounding highway network. This has taken considered the cumulative effect of this scheme with other existing and committed developments within the vicinity (including St Luke’s Hospital) as well as traffic growth. The primary focus of the assessment has been on the following junctions:

- Blackmoorfoot Road/Park Road signal controlled junction;
- A62 Manchester Road/Blackmoorfoot Road signal controlled junction;
- A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street signal controlled junction.

10.20 The capacity of each of these junctions has been fully evaluated in detail as part of this proposal. For the Blackmoorfoot Road/Park Road junction, this was undertaken using two scenarios – (i) pedestrians called every over cycle (16 times during peak periods i.e. pedestrian crossing lights instigated and its associated effect on traffic flow) and (ii) no pedestrian stages called. The reality is considered to be somewhere in-between. The TA analyses the ‘baseline’ situation against the ‘with development (WithDev) scenario’. The results indicate the Degree of Saturation (DOS), which is, in effect, the demand relative to the total capacity. They also identify the Mean Max Queue (MMQ). This is the estimated mean number of vehicles that have added onto the back of the queue up to the time the queue clears. Finally, the results summarise the Practical Reserve Capacity (PRC), which is the available spare capacity at a junction. A negative value shows that a junction is over-capacity. These impacts were provided as part of an updated Technical Note in March 2021. This Note addressed concerns raised by the Council’s UTC section on the original TA methodology with regard to the modelling of signalised junctions on the existing network as a result of the assignment and distribution of traffic from the proposed development. A summary of the results is set out below.

Blackmoorfoot Road/Park Road West Signal Controlled Junction

10.21 Table 1 below summarises the position for this junction in the Weekday AM PEAK with pedestrians every other cycle. Only this scenario is reproduced in this report on the grounds that the junction is forecast to operate more efficiently if pedestrian stages were not called (i.e. this is the less efficient scenario in terms of how the junction might operate with development.)

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Blackmoorfoot Road (N)	76.3	22	92.8	37	82.2	22	99.3	51
Park Road West	75.3	12	93.5	20	82.7	18	99.7	29
Blackmoorfoot Road (S)	44.2	7	49.3	10	47.7	9	53.2	12
Park Road	62.2	7	92.1	12	75.2	9	101.2	19
PRC +/-	+18		-3.8		+8.9		-12.4	

Table 1: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) AM PEAK

The TA concludes that with the addition of the proposed development, this junction is forecast to operate within its actual capacity in the 2022 ‘With Development’ scenarios with minimal increases in the Degree of Saturation (DOS) and Mean Max Queue (MMQ). In the 2031 ‘With Development’ scenario the junction is forecast to operate with DOS of below 100% on all arms apart from the Park Road arm, albeit that the forecast increase in the MMQ is only 7 vehicles. The applicant concludes that the proposal would have a minimal impact on this junction in the Weekday AM peak.

Table 2 shows the same results for the Weekday PM PEAK:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Blackmoorfoot Road (N)	72.3	20	87.4	29	80.0	24	95.2	37
Park Road West	76.4	13	99.3	24	84.2	18	107.9	48
Blackmoorfoot Road (S)	75.8	19	99.2	43	84.6	24	108.4	80
Park Road	73.2	12	89.0	16	84.5	16	94.4	19
PRC +/-	+17.9		-10.3		+6.4		-20.5	

Table 2: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) PM PEAK

With the addition of the proposed development, the TA concludes that this junction is forecast to operate within its actual capacity in the 2022 'With Development' scenarios, with minimal increases in the DOS and MMQ. It does forecast a queue of 43 vehicles (247 metres) on the Blackmoorfoot Road northbound arm of the junction, but concludes that this level of queuing would not interact with the A62 Manchester Road/Blackmoorfoot Road junction, which is located approximately 520 metres to the south. In the 2031 'With Development' scenario the junction is forecast to operate in excess of its actual capacity of 100% with queuing forecast on all arms of the junctions. But the queuing again does not extend to the A62 Manchester Road/Blackmoorfoot Road junction. It therefore concludes that the proposed development would not have a minimal impact on the operation of the A62 Manchester Road/Blackmoorfoot Road junction in the Weekday PM peak.

- 10.22 The assessment indicates that this junction would face some capacity issues as a result of the proposed development, which would lead to increased queuing. However, a recent scheme to improve this junction has been carried out to further the efficiency of the signal timings and provide updated equipment including Bluetooth monitoring. These works were funded by the recent development at the Former St Luke's hospital. It is considered that no further improvements can be provided at this junction without physically creating more space, which would require the demolition of existing building and shops such that it is not a realistic proposition. Furthermore, the vehicular trip rate calculated for this development in the assignment and distribution of traffic is a very robust figure that is a higher threshold than the trip rate that would typically be adopted based on the TRICS' figures, which is a national database of transport survey records across a wide range of land use categories. As such, they are considered to be a 'worst case scenario' and in reality, the impact upon this junction is unlikely to be as substantial. In these circumstances, the impact upon this junction alone would not warrant the refusal of this application.

A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

10.23 The same analysis has been undertaken for the A62 Manchester Road/ Blackmoorfoot Road Signal Controlled Junction for the AM and PM Peak, summarised in the Tables 3 and 4 respectively below:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
A62 Manchester Road (E) Left Ahead Right	67.7	22	88.8	9	79.3	7	97.6	15
Blackmoorfoot Road Right Left Ahead	77.6	15	100.1	32	87.1	14	113.0	115
A62 Manchester Road (W) Ahead Right Le	75.3	9	84.3	13	80.0	13	85.9	14
PRC +/-	+15.9		+11.2		+8.9		-12.4	

Table 3: Summary of modelling for AM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

In the 2022 ‘With Development’ scenario, this junction is forecast to operate at its actual capacity. The largest increases in the Degree of Saturation and Mean Max Queue would be on the Blackmoorfoot Road arm junction. However, it is noted that it forecasts an increase in queuing of 17 vehicles. In the 2031 ‘With Development’, the junction is forecast to operate in excess of its actual capacity on the Blackmoorfoot Road arm. However, the TA states that this is based on a robust assessment and, in reality, the level of traffic included within the junction would not occur during the peak period. It therefore concludes that the impact ‘with development’ would be minimal on the operation of the junction overall.

Table 4 below sets out the position in the PM Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
A62 Manchester Road (E) Left Ahead Right	79.4	7	87.9	11	91.1	12	98.8	39
Blackmoorfoot Road Right Left Ahead	78.6	15	84.4	12	88.1	15	96.6	22
A62 Manchester Road (W) Ahead Right Le	51.1	9	56.2	7	58.1	7	61.9	8
PRC +/-	+13.4		+2.4		-1.9		-9.8	

Table 4: Summary of modelling for PM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

In the PM Peak, the junction is forecast to operate within its actual capacity with the addition of the development traffic.

The modelling of this junction indicates that in the design year 2022, the junction operates within capacity with the development flows. In the design year (2031) the modelling suggests that capacity issues may arise. However, this is on the basis of the robust vehicular trip rate detailed above. In this instance it is suggested that more vehicles would travel down Blackmoorfoot Road than onto Manchester Road. It is considered that this would not be the case in reality. In addition, the forecast growth rates are considered likely to be subject to a reduction given the current trends noted above.

A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

10.24 Turning to the Lockwood Road junction, Tables 5 and 6 summarise the Weekday AM and PM peak scenarios:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Bridge Street Left Ahead	64.6	9	70.4	10	76.7	11	83.5	13
Bridge Street Right	97.3	21	99.6	25	112.3	62	113.9	67
A616 Lockwood Road Left Ahead	66.4	14	66.4	14	68.4	15	68.4	15
A616 Lockwood Road Right	96.0	9	96.0	10	109.0	15	109.8	15
Swan Lane Left Right Ahead	99.1	25	101.9	30	111.7	49	114.4	58
B6108 Meltham Road Ahead Right Left	84.5	20	84.5	20	87.1	23	87.1	23
B6108 Meltham Road Ahead Right	56.7	4	56.7	4	63.3	5	63.3	5
PRC +/-	-10.2		-13.3		-24.7		-27.9	

Table 5: Summary of modelling for AM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

This table shows that in the Weekday AM Peak, the junction is forecast to operate close to or in excess of its actual capacity in the 2022 and 2031 Base scenarios. It is predicted that the proposed development would result in increases of 1.6% in traffic flows at the junction, which equates to an additional 45 two-way movements at the junction.

Table 6 below shows the same situation for the PM Weekday Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Bridge Street Left Ahead	94.1	17	97.9	21	113.4	41	106.7	33
Bridge Street Right	75.0	9	73.1	9	86.3	11	80.5	10
A616 Lockwood Road Left Ahead	90.1	26	91.9	27	92.2	30	103.7	50
A616 Lockwood Road Right	70.2	9	71.9	8	72.8	9	86.5	12
Swan Lane Left Right Ahead	95.5	19	100.0	24	112.6	45	104.4	32
B6108 Meltham Road Ahead Right Left	43.9	9	44.8	9	44.7	9	50.3	10
B6108 Meltham Road Ahead Right	85.2	4	99.1	7	100.9	8	127.8	19
PRC +/-	-6.1		-11.1		-26.0		-42.0	

Table 6: Summary of modelling for PM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

The TA states that in the weekday PM Peak, this junction is forecast to operate close to or in excess of its actual capacity in the 2022 and 2031 baseline scenarios. With the addition of the proposed development, it is forecast that there would be an increase in the DOS and MMQ although it is identified to be minimal. It concludes that the proposed development would result in increases of 1.8% in traffic flows at the junction, which would equate to an additional 48 two-way movements at the junction.

- 10.25 Highways Development Management confirm that it is established that this junction is currently running over capacity such that the assignment and distribution of traffic from this development would have a negligible effect on its operation. However, a major highways scheme is already planned by the Council as part of the Huddersfield Southern Corridors project to address the current capacity issue, which will also deliver betterment and mitigation to the impact arising from this proposal.

Longroyd Bridge Junction

- 10.26 In addition to the above, the Council had previously developed a calibrated and validated traffic model for the base year of 2015 for the Longroyd Bridge junction. This was undertaken as part of the Huddersfield Southern Gateways

West Yorkshire plus Transport Fund scheme. This is a collection of junction improvements identified from work undertaken to understand the cumulative traffic impact of the Kirklees Local Plan on the Authority's local highway network. It identified a list of 30 junctions that would require mitigation to accommodate full Local Plan build-out by 2030. The modelled flows from this development at Lockwood Bar have been identified to be minimal and so the focus has been solely on the Longroyd Bridge junction, which it is considered requires mitigation. A previous calculation based on 825 residential units for the residual traffic impact the development would have at the Longroyd Bridge junction has been revised to accommodate up to 770 dwellings. Highways Development Management therefore recommend that to accommodate growth from this development, a contribution of £552,980 would be required towards the Longroyd Bridge congestion scheme. This would be secured by means of the S106 Legal Agreement.

Site accessibility – public transport

- 10.27 The nearest bus stop to the site is located on Blackmoorfoot Road, close to the existing access on Standard Drive (Bus stop ID: 45019334). This would be approximately 300 metres from the centre of the application site. The eastbound bus stop has a bus pole displaying service information. No facilities are provided for the westbound stop as there are no pavement facilities on the westbound side of the road. This stop provides access to Bus Service 393, which runs from Huddersfield to Blackmoorfoot. It provides a day-time hourly service Monday to Saturday to Huddersfield Bus Station (approximately 30 minutes journey time), the earliest departure from Blackmoorfoot Road currently being 0818 and the last departure from Huddersfield being 1650. There is a further bus stop (ID45019334) at the junction of Felks Stile Road with Blackmoorfoot Road and another on Felks Stile Road close to the entrance to Crosland Heath Golf Club (45050805), also served by the 393. Future residents towards the north of the site could further access the service from the stop at Tom Lane on Crosland Hill Road by using the proposed footpath connection from Quarry Road.
- 10.28 Whilst these bus stops currently offer only a daily hourly service Monday to Saturday, it would provide the opportunity for future residents to arrive in Huddersfield by bus before 9am and to access a service back to the site in the late afternoon. Whilst somewhat limited, it does provide some accessibility by means other than the private car.
- 10.29 It is recognised that the 393 route is a tendered service and paid for by the West Yorkshire Combined Authority in full. The continuation of all tendered services is subject to the availability of funding and would be assessed against specific criteria. In responding to this application, West Yorkshire Metro have advised that the 393 is currently part of a package of services that cost in the region of £800k per annum to operate. This aspect of the package costs around £65k per annum to operate. In the course of this application, WY Metro have advised that if further funding could be secured through this proposal, they would be able to fund enhancements to this service. They therefore requested that the applicant fund the following:
- £150k per annum for a minimum of 5 years to be used for enhancing the 393 and pump priming either or both the 328 and 387 services (£750K in total).

- Incorporate a bus turning area or road layout that allows buses to circulate to facilitate bus services into the site.
- Provide a minimum of 2 bus shelters with Real-time information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)
- Provide 2 bus stop poles (for alighting) within the site. (£500 per stop)
- Travel Plan Fund to the value of £393k for the number of units currently indicated.

10.30 Whilst Officers acknowledge the benefits of extending the service into the site, in reporting the previous application to this Strategic Planning Committee, the report stated as follows:

‘Officers are of the view that the need for extending the bus service and the costs of meeting this i.e. £750m over 5 years has not been satisfactorily justified by METRO. The site is in a sustainable location and details of the bus and pedestrian access to the area detailed within the Highways section of [that] report. The Local Plan acknowledges the distinction between essential infrastructure necessary to make the development acceptable in planning terms and desirable infrastructure which would improve connectivity and sustainability of which the bus extension scheme is considered to fall into the later’.

The circumstances are unchanged by this proposal in terms of the existing bus provision and the distinction between essential and desirable infrastructure. It is therefore considered that a contribution of £750m over 5 years cannot be sought by this proposal as it would not meet *all* of the necessary tests for a planning obligation set out within the NPPF of being a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

10.31 Nevertheless, in terms of incorporating a bus turning area or road layout within the site that allows buses to circulate to facilitate bus services, this matter could be reviewed again at each phase of the Reserved Matters stage subject to bus service demand and provision at that time. Furthermore, to ensure that sustainable transport can be a realistic alternative to the car, the developer would be required to fund a substantial package of sustainable travel measures as part of this application. How this is spent would be determined in due course. The payment schedule, mechanism and administration of the fund would therefore be agreed with Kirklees Council and detailed in the S106 agreement. In addition, the applicant has also prepared framework Travel Plan, which would need to be monitored at the appropriate phase of development.

10.32 The following contributions have therefore been agreed as part of this application to promote accessibility by means other than the private car:

- A Sustainable Travel Plan Fund to the value of £393,000 for the number of units currently indicated;
- A £15,000 contribution towards the cost of implementing, maintaining, and monitoring the Full Travel Plan (£3000 per annum for the first 5 years of the development);
- A minimum of 2 bus shelters with ‘Real-time’ information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)

- The provision of 2 bus stop poles (for alighting) within the site. (£500 per stop) should this come forward at a future stage of development;

Site Accessibility – Cycles and Pedestrians

10.33 Turning to accessibility to the site for cycles and pedestrians, the TA refers to the Institution of Highways and Transportation (IHT) document titled “Guidelines for Providing for Journeys on Foot”, which suggests distances for desirable, acceptable and preferred maximum walks to town centres, commuting/schools and elsewhere. These are 800m, 2000m and 2200m respectively. It also indicates that advice contained within other documents, including Manual for Streets, suggests that a distance of circa 2km typically represents an acceptable maximum walking distance for the majority of land uses. The TA also highlights the Department for Education’s (DfE) ‘Home to School Travel and Transport’ statutory guidance document, which suggests that the maximum walking distance to schools is 2 miles (3.2 kilometres) for children under 8 and 3 miles (4.8 kilometres) for children over the age of 8. Within this context, there are a range of existing amenities within these relevant walking distances (measured from the centre of the site and at a speed of 3 miles per hour) including:

Local Amenity	Distance (m) and indicative walking time	Criteria Distance (m)
The Sands Public House	300 (4 mins)	1600m
Convenience Store/Post Office	1320 (20 mins)	1600
Co-op	1920 (29 mins)	1950
Moor End Academy	1620 (24 mins)	1950

10.34 Furthermore, in the course of this application, the applicant was asked to review how this site would fit into the surrounding access network, particularly with regard to cycling and walking. There is currently a public footpath (HUD/234/50) that runs along the northern boundary of the site connecting through to Felks Stile Road to the West (via HUD/234/30) and Kinder Avenue (via HUD/234/10) to the North West and to Crosland Hill Road via Quarry Avenue. The Design and Access Statement includes an access and movement strategy, which shows that in designing the future Reserved Matters, the development can readily connect with these existing public rights of way to provide walking connections through to Crosland Hill Road and to Cowersley. In terms of cycling, there are presently no dedicated cycle routes in the immediate vicinity of the site. The nearest is the National Cycle Network Route 68, This lies approximately 1.2 miles to the west, which is reasonably accessible along Blackmoorfoot Road.

10.35 In terms of accessibility within the site for cycles and pedestrians, this will be assessed at Reserved Matters stage as part of ‘layout’. However, it is advised that the access plan for the new Blackmoorfoot Road entrance does incorporate a cycle lane to each side of the carriageway. Furthermore, in the development of the Spine Road, the Design and Access Statement states that it is currently planned at a high level as a shared surface for cyclists and vehicles. However, it acknowledges that integration of a segregated cycle lane could be explored at the reserved matters stage. Modal filters could also be integrated to retain permeability for pedestrians and cyclists but to eliminate through traffic on some minor roads to create a low-traffic neighbourhood. It confirms that further consideration will be given to street design to ensure adherence to new standards set out in national cycling design guidance document ‘LTN 1/20

Cycle Infrastructure Design'. This will be pursued further at the Reserved Matters stage. The proposed masterplan would also open up new routes across the site for pedestrians and cyclists, via the creation of paths, parks and boulevards. It is therefore considered that there is the scope within the site to ensure high levels of accessibility for pedestrians and cyclists.

- 10.36 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, the proposed development would be located in a sufficiently accessible location and it would provide a safe and secure access for vehicles and all other users. It is also considered that it would not result in a severe cumulative highway impact given the proposed mitigation.

Reserved Matters – access within the site, layout, scale, appearance

- 10.37 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. It states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. It advises that development should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- 10.38 With regard to layout, scale and appearance, Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. It also states that the risk of crime should be minimised by enhanced security and promotes well-defined routes, overlooked streets and places. It recommends that the needs of strategically different users should be met and any new open space should be accessible, safe, located within the site and well integrated into wider green infrastructure networks. Furthermore, Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant.
- 10.39 Matters of access within the site layout, scale and appearance are not for consideration as part of this application. They are reserved for future assessment as part of a Reserved Matters submission should outline planning permission be approved. However, given the scale and nature of this proposal, the application is supported by an indicative site layout plan and a Design and Access Statement, which has been revised in the course of the planning application. It has also been accompanied by a Landscape Visual Impact Assessment (LVIA), which is appropriate given the site's scale and prominence as viewed from a distance, especially across the Colne Valley to the north. It is considered that the LVIA has been robustly undertaken with numerous receptors included in all directions, and assesses the level and scope of the impact of the development of this site accurately. Each Reserved Matter is considered briefly below.

Access within the site and layout

- 10.40 The illustrative layout submitted with the outline planning application on submission indicates how a development of up to 770 dwellings (including up to 70 care apartments), as well as a local centre facility might be laid out. Based on the site area given on the application form of 29.3 hectares, this would deliver a density of 26 dwellings per hectare if the care home apartments are included, or 24 dwellings per hectare without. Based upon the illustrative layout, and taking into account 7.8 hectares of open space provision within the allocation boundary, the net developable area reduces to 21.5 hectares. The scheme would then deliver a density of 32 dwellings per hectare without the care home and 36 dwellings per hectare with. The actual density will need to be assessed at Reserved Matters stage, taking into account the wording of Policy LP7. This confirms that lower densities (below 35dph) will be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.41 It is advised that Officers raised some concerns about the illustrative layout in the course of the application, including the following:
- The development of one large residential housing estate without sufficient regard to context and place making that also suggests extensive areas of hard-surfacing to front gardens and large areas of hard surfacing would be unlikely to be acceptable at Reserved Matters stage;
 - The Spine Road as a minimum should accord to Green Streets® Principles;
 - The opportunity to create a low cost Low Traffic Neighbourhood should be considered (highlighted by the Huddersfield Civic Trust);
 - No sense of character areas;
 - The layout does not clearly reflect the findings of the urban grain study, including the local historic street patterns and local vernacular typical of the Colne Valley;
 - Dominated by vehicles e.g. extensive car parking to frontages.
- 10.42 In addition, the Council's Conservation and Design Team highlighted a number of key influences on future development, principally relating to the historic context of the surrounding area, which will also influence the future Reserved Matters. These include the small historic linear settlement of Crosland Hill, which comprise several listed buildings and non-designated heritage assets dating to the 19th century and earlier as well as the impact on the setting of Castle Hill and the visual proximity of the Milnsbridge and Golcar Conservation Areas (refer to the Heritage Section below).
- 10.43 In response, the applicant prepared a revised Design and Access (D&A) Statement and a series of Parameter Plans, which can be used to guide any future Reserved Matters submission. This revised D&A reflects the details set out within the Parameter Plans, including the following:

Parameter	Implications for the Reserved Matters submission
Structural Open Space	<ul style="list-style-type: none"> – Landscape buffer at the entrance to the site along Blackmoorfoot Road; – Landscape buffer to the east between the proposed development area and existing dwellings along Crosland Hill Road; – An area of natural play along the northern boundary where the application site protrudes into the green belt.
Land Use	<ul style="list-style-type: none"> – Local centre close to the main entrance – Extra care facility in the south-west corner to provide a modest gateway feature both along Blackmoorfoot Lane and to the Felks Stile Road access
Access and Movement	<ul style="list-style-type: none"> – A well-defined street hierarchy between the main spine road, secondary streets, tertiary lanes and mews streets and identification of these routes on the Access and Movement Strategy Plan. – Exploration of integrating Green Street Principles at the Reserved Matters stage on key routes – Principles for the widths of primary, secondary and tertiary access roads in accordance with the Highways SPD
Green infrastructure	<ul style="list-style-type: none"> – Green links through the site running north-east to south-west and north-west to south east. – Pocket parks within the site; – The masterplan includes a total of 20 hectares of open space, 7.8 hectares of which is within the application site boundary. The remaining 12.2 hectares is the green belt land within the ownership boundary to the north of the site; – Suggested landscaped edge - dwellings to be set back a minimum of 10m from the northern boundary line and 20m along the western boundary line (Felks Stile Road) – Buffer planting to the houses on Mason Court.
Density and Mix	<ul style="list-style-type: none"> – Higher density within the southern and central area of the site around the spine road and key junctions; – Lower density immediately adjacent to existing development on Crosland Hill Road, along the northern boundary and part of the western edge; – Medium density across the remainder within the site.
Layout	<ul style="list-style-type: none"> – Introducing Neighbourhood Design principles e.g. 4 character areas: (i) Blackmoorfoot Green at the centre of the site with a higher density (contemporary terraces and townhouses) and a more formal character; (ii) Felks Style Edge influenced by the character of Felks Stile Road

	<p>creating a rural lane feel with grass verges and stone walls to either side. Designed to be lower in density with larger semi-detached and detached properties and a more informal character; (iii) Valley View along the northern edge of the site to have an irregular, fractured urban grain with curvilinear streets to prevent the formation of a harsh, linear urban edge given its high visibility and sensitive location adjacent to the Green Belt and (iv) Crosland Place – an area to provide a transition between the development and the existing residential areas off Crosland Hill Road. It would be lower density than Blackmoorfoot Green but higher density than the sensitive edges of the site along Felks Stile Road and the green belt edge. The character of this area should take reference from the adjacent residential areas off Crosland Hill Road.</p>
Sustainability Principles	<ul style="list-style-type: none"> – Energy efficiency of housing stock to reduce energy demand; – Waste management plan; – implement the cooling hierarchy to prevent/mitigate against overheating in homes; – provide safe and attractive walking routes within the development; – Water management e.g. use of swales and natural vegetation filter.

In addition, the layout would need to have appropriate regard to guidance within the Council's Open Space SPD in terms of calculating the amount of open space required, the type needed and the location of such provision. These matters will all be determined at Reserved Matters stage.

Scale

10.44 The originally submitted Parameters Plan indicated that the majority of the site would be developed with buildings up to 2 storeys in scale with a generous area identified within the centre/south-eastern part of the site as a 3-storey zone. However, in the course of this application, Officers advised that there was insufficient evidence with this submission to justify a scale of up to 3 storeys in the zone indicated, in terms of wider views into and out of the site, including being mindful of views to and from Castle Hill. Furthermore, it was advised that two storey is the predominant scale in the locality and because the site slopes from west to east down towards Crosland Hill, the intended area for 3 storey development would be quite prominent. The Parameters Plan has subsequently been revised so that the 'up to 3 storeys' zone is caveated to acknowledge that the appropriate scale of development would be subject to details of appearance at Reserved Matters stage and the two cannot be disassociated. Consequently, the appropriateness of 'up to 3 storeys' on part of the site will be subject to a visual and design assessment at Reserved Matters stage to take account of topography, context, heritage assets, residential amenity and appearance.

Appearance

- 10.45 The appearance of the future development on this site will also be determined at Reserved Matter stage to ensure that it is based upon a thorough contextual analysis to provide good design that is appropriate to its scale and function, in accordance with Policy LP24 and guidance within the NPPF. This is considered within the revised Design and Access Statement. It acknowledges that due to the site's elevated nature and visibility from surrounding areas, choosing the right materiality, for example, will be vital for the scheme. Careful consideration must be given to the choice of materials and their colours to ensure that the proposed development blends with the landscape as much as possible and is in keeping with the local vernacular. In this regard, the D&A includes a townscape analysis of the local context, noting the predominance of stepped linear streets, urban strata in wider views across the valley as well as courtyard clusters nearby. The variety of housing typology proposed e.g. terraces, townhouses, semi-detached and detached properties would also generate a diverse character having regard to the different neighbourhoods to be created.

Summary on access within the site, layout, scale, appearance

- 10.46 Taking all these factors into account, it is concluded that matters of access within the site, layout, scale and appearance, including density, will be considered fully as part of a future Reserved Matters application. However, there is sufficient information within this application to ensure that a scheme can be delivered that will meet the Council's design aspirations in accordance with KLP Policies LP7 and LP24. In this regard, a condition is proposed that the Reserved Matters shall be developed broadly in accordance with the Design and Access Statement and Parameters Plans to ensure compliance with both local and national policy.

Reserved Matter - Landscaping

- 10.47 Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. In this case, the site includes mature tree lines established along the southern and eastern application site boundaries and internal tree cover that comprises predominantly low quality regenerative shrubs and small stature trees and pockets of more established moderate quality tree groups.
- 10.48 In terms of the impact of the site's access arrangements, the proposed access from Blackmoorfoot Road would result in a new opening in the woodland that has developed along the road at this point. The trees in this group are mostly young or semi mature trees and whilst they do provide amenity value due to their grouping and proximity to the road, it is considered that the young composition of the woodland would make it easier to replace in terms of both time and wildlife benefit. As originally proposed, the site access onto Felks Stile Road would have run through a group of trees and would have required the removal of a TPO tree. The position of the access has subsequently been amended in the course of this application to ensure that its removal is no longer necessary.

- 10.49 Within the site, although landscaping is a Reserved Matter for future consideration, it is recognised that a large, phased development of this scale will always require significant changes to the existing landscape. That is particularly the case on the Black Cat site due to the extent of man-made structures/levels across the site and the absence of tree and vegetation management across it. Many of the tree groups are situated on man-made platforms that would need to be cleared to create appropriate development plateaus. The change of use of the site to residential development would require a new arrangement of built form and associated green infrastructure, resulting in a number of existing buffer / screening planting groups requiring removal due to their unsuitability within a new residential scheme and the impact on the aspirations for new green infrastructure. It is therefore expected that a high number of trees would need to be removed. However, this is predominantly limited to low quality regenerative trees that have become established following absent tree and vegetation management across the site.
- 10.50 The Council's Tree Officer has advised that whilst there may be a few other areas where more trees could be retained, this can be resolved during the submission of Reserved Matters. A detailed design/layout for the site should utilise detailed tree survey data at an early stage and seek to retain those trees capable of providing a contribution to the future site use. Given the tree cover on the site at present, a detailed and substantial tree mitigation strategy would be required to form part of a detailed application for the site layout. Consequently, at that time, the reserved matters would need to be supported by an updated impact assessment and an Arboricultural Method Statement. This would demonstrate the protection of retained trees throughout the various phases of construction. The scheme should also seek to meet Green Streets Principles to ensure a good level of canopy cover across the built areas of the site. On this basis, however, there is no objection to the scheme in this regard and it sufficiently accords with Policy LP33 as far as it can at this outline stage.

Heritage

- 10.51 To the east of the site, close to the boundary, are a number of Grade II and Grade II* Listed Buildings including Crosland Hall, Crosland Hall Cottage and Crosland Farm Buildings on Crosland Hill Road, 67, 69 and 69a Crosland Hill Road and 100, 102 and 104 Crosland Hill Road. Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. It is therefore important that any development in the vicinity respects the character and setting of this building. This approach is consistent with the objectives of Policy LP35 of the KLP.
- 10.52 The application is supported by a Historic Environment Desk-based Assessment, which considers the impact of the proposal on these Listed Buildings. It also assesses the impact on designated assets within a range of 5km, including Castle Hill – Scheduled Monument, as well as the closest Conservation Area (Milnsbridge) to the north-east and any archaeological significance.
- 10.53 With regard to the Listed Buildings closest to the site, Crosland Hall is Grade II* Listed and it sits within its associated farm buildings and cottage. The Heritage Assessment notes that the current setting of this group of assets is best described as the edge of a residential area, as it is perceived from

Crosland Hill Road. However, Thewlis Lane, bounded by dry-stone-walls either side, despite being currently disused and overgrown, is preserved. Thewlis Lane connects this group of assets to the site, and therefore to the former agricultural fields, quarries and fireworks factory within the application area. Existing access is currently blocked by the fencing around the site. Thewlis Lane is considered to form part of the setting of this group of heritage assets, and making a positive contribution to their significance. Thewlis Lane would be unaffected by the development albeit that the proposal would include the retention of the northernmost stone-wall, which bounds Thewlis Lane.

- 10.54 The fields to the north of Thewlis Lane are considered to make a positive contribution to the setting of this group of assets as they are the last remnants of the layout and boundaries of agricultural land which once surrounded the assets on all sides. On the grounds that the proposed development involves the partial development of these fields, the proposal is assessed to result in a negative effect on the setting of this group of assets, and consequently on their significance. However, the indicative layout indicates that an area of open space would be retained adjacent to this group of buildings to create a buffer between them. It is considered that this would serve to sufficiently preserve their significance albeit that this would need to be assessed again at Reserved Matters stage once the layout is formally submitted. Any harm to their significance would need to be weighed against the public benefits of the proposal at that time and to determine whether any additional mitigation would be required.
- 10.55 Turning to the other Listed Buildings on Crosland Hill Road, the Heritage Assessment considers that the existing setting of these designated assets is much changed from the original. Consequently, it does not make a contribution to their significance, and therefore, even though the proposed development would change the immediate setting of these assets, it would have a neutral effect on their significance as a result. This assessment is accepted by Officers.
- 10.56 In considering the potential impact on the setting of wider heritage assets, the assessment notes that in primary legislation, only the setting of listed buildings is protected. The setting of scheduled monuments and Conservation Areas is not, albeit the NPPF states that the setting of a designated heritage asset can contribute to its significance. It acknowledges that there are long views from the highest points of the site, particularly toward Milnsbridge Conservation Area and more distant assets, such as Castle Hill Scheduled Monument and therefore, the site does form a small part of the wider landscape within which these assets are located. However, the contribution made by the site to their setting, where it contributes to their significance, is assessed to be very small given the scale of the views afforded from those assets. Consequently, given the distances between them and the fact that development would be perceived as infill against an existing residential settlement, the proposal is not assessed as having a significant impact on these assets within the long views.
- 10.57 Overall, whilst a further assessment will be necessary at the Reserved Matters stage, based upon the information submitted with this outline proposal, it is considered that the site is of a sufficient scale that the setting of the nearby listed buildings is capable of being preserved and the development would not harm their significance. For the reasons stated, it would also not have any significant impact on those heritage assets within long views.

- 10.58 With regard to archaeology, there is some evidence suggesting potential for later prehistoric to Iron Age and Romano British activity in the vicinity. The site's use as a fireworks factory from 1910 is also of archaeological and architectural interest. It is therefore recommended that the site is subject to an archaeological evaluation prior to the development commencing and that a record of the Black Cat Fireworks Factory is also made. This will be secured by condition. It will require a written scheme of archaeological investigation before any development takes place, to include the statement of significance and research objectives, a programme and methodology of site investigation and recording, a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of the resulting material.
- 10.59 Subject to the above, it is considered that special regard has been given to the desirability of preserving the setting of nearby Listed Buildings and to any features of historic or archaeological interest that the site possesses. A further detailed assessment will be undertaken at Reserved Matter stage. For these reasons, the application is considered to sufficiently comply with Policy LP35 of the KLP and guidance within the NPPF.

Bio-diversity

- 10.60 Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.61 The applicant has submitted an Ecological Update Report, to be read in conjunction with an Ecological Assessment prepared by Tyler Grange in 2018 and a Bio-diversity Net Gain Metric calculation. The original Ecological Report identified the presence of various protected species across the site. It acknowledged the presence of a number of important ecological factors that would require further investigation in order to inform adequate mitigation or measures for protection. It was intended that these would be used to inform a future layout.
- 10.62 The updated Ecological Report also acknowledges that there are a number of habitats within the site, including amenity grassland, heathland, scrub and grassland as well as buildings, hardstanding, gravel and quarry. In preparing the report, all buildings and structures within the site were re-inspected. It advises that there have been no significant changes to the ecological baseline as a consequence of the updated data search, Phase 1 Habitat Survey or Preliminary Bat Roost Assessment. In summary, it concludes that no significant changes have occurred to either the known distribution of protected species, the designation of sites, planning policy or the baseline conditions at the site since the Ecological Assessment in 2017/18. It also provides a provisional biodiversity net gain assessment, which indicates that with the lowest quality habitats used in green spaces at the site, the design would achieve a low net gain but with higher value habitats incorporated into the design, it could achieve a 10% net gain within the site boundary.

- 10.63 The Council's Ecologist has considered the Ecological Report and advised that in general, the suite of surveys undertaken are suitable for the site in order to determine likely ecological impacts at outline stage. They will require updating as part of any reserved matters application to ensure that decisions are made using an accurate understanding of current ecological conditions. With regard to the Biodiversity Metric, it is noted that the current plans indicate that areas of woodland (W1, W2 and W3) and heathland, which are considered of local importance, are likely to be removed to facilitate the development proposals. Heathland is considered to be a habitat of principal importance within Kirklees. Therefore, the removal of these habitats is undesirable, and the lack of adequate mitigation or compensation does not demonstrate correct application of the mitigation hierarchy. This would require further consideration at Reserved Matters stage.
- 10.64 Furthermore, the applicant has liaised with the Council's Bio-diversity Officer to determine how a biodiversity net gain can be achieved on the site, demonstrating that at least 10% can be achieved using the green belt area. The ecological appraisal makes several recommendations for habitat enhancement and creation, which could be incorporated into the scheme in order to achieve a net gain. These measures would need to include suitable mitigation for the loss of heathland and woodland, which would require the same habitats to be created and no net loss of woodland cover. Options to include these within the open space/green infrastructure within the site and within the blue line boundary should be explored to inform the final designs and layout of the site. The scale of the development is considered sufficient to ensure that a 10% net gain can be achieved and in order for the proposals to accord with National and Local policy, a 10% net gain in biodiversity will be required post-development to be secured by means of a planning condition.
- 10.65 Finally, the northern section of the site (outside the redline boundary but within the blue line) is included within the Kirklees Wildlife Habitat Network (KWHN). Although this area is to be retained, adequate protection from indirect impacts of the development would be required. The current indicative design plans indicate that a buffer zone would be included between residential properties and the KWHN and this is welcomed and encouraged. The current illustrative layout also illustrates planted corridors at the boundaries and across the centre of the site which would provide additional links to the KWHN. However, the KWHN could be strengthened and protected from additional recreational pressures due to the development via the provision of a habitat management and creation plan. This will also need to be reviewed on submission of the Reserved Matters.
- 10.66 Overall, at this outline stage, the proposal is considered acceptable with regard to bio-diversity, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain demonstrated within the reserved matters. Subject to relevant conditions outlined above, the proposal is therefore considered to accord with KLP Policy LP30.

Affordable housing provision and housing mix

- 10.67 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 dwellings. It advises that the proportion

of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at that time.

- 10.68 The applicant has confirmed that they are seeking a policy compliant scheme to deliver 20% affordable homes on a split of 55% social or affordable rent to 45% intermediate housing. Based on the provision of 770 residential dwellings (maximum), this would equate to 85 social or affordable rented dwellings and 69 intermediate.
- 10.69 Turning to housing mix and house type, this will be determined at Reserved Matters stage as part of the layout. However, the indicative housing mix set out within the Design and Access Statement indicates a blend of apartments (92 – 12% including 70 extra care units), 2 bedroom units (208 – 27%), 3 bedroom units (208 - 40%) and 4 bedroom units (162 – 21%). The Council's Strategic Housing Team advises that there is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. A mixture of 2, 3 and 4 bed housing would therefore be suitable for this development and will be secured as part of the Reserved Matters submission.
- 10.70 It is acknowledged that in reporting the previous proposal to this Committee, the Officer Report noted that an extra care scheme was not considered to be an appropriate development for this site, given the proximity of the location to existing services and community facilities and given the needs of the occupiers, as well as the lack of an enhanced bus service. However, the actual needs of the future occupiers of an extra care facility are unknown at this stage. Furthermore, the Council's Strategic Housing Team advise that there is a specific housing need in the area for older people and in its indicative siting towards the south-east of the site it would be in close proximity to the bus stop at the junction of Felks Stile Road and Blackmoorfoot Road. Consequently, there are insufficient grounds to preclude and housing mix will therefore be fully assessed at Reserved Matters stage.
- 10.71 Overall, it is considered that the proposal would have the capacity to contribute to housing mix within the Huddersfield South Housing Market Area and 20% of the units would be affordable. This would comply fully with the requirements of Policy LP11.

Living conditions of existing and future occupiers

- 10.72 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Light, outlook and privacy

- 10.73 Layout is a reserved matter such that the impact of the proposal on the living conditions of existing and future will be determined in due course as part of any Reserved Matters application. This will need to have regard to guidance within the Council's pending Housebuilders Design Guide in terms of maintaining high standards of residential amenity and providing appropriate separation distances to avoid negative impacts on light, outlook and to prevent overlooking.

Noise/odour

- 10.74 For future occupiers, the applicant has also submitted a Noise Assessment, which undertook a detailed environmental sound survey in order to produce a sound map of the proposed site layout based on this information. The survey was based on measurements taken from four positions on each boundary to assess typical environmental sound levels at the site. This concluded that during the entire survey period, road traffic along the surrounding road network remained the dominant sound source.
- 10.75 With regard to industrial noise, during the daytime survey period, no significant sources of industrial sound were audible within the site from either the caravan storage facility to the north east or the quarry to the south east, on the opposite side of Blackmoorfoot Road. The Report therefore concludes that an industrial sound impact assessment is unlikely to be required for the daytime period.
- 10.76 The saw shed of the quarry, situated adjacent to Blackmoorfoot Road, is, however, understood to operate continuously 24 hours a day. Within the Noise Assessment, it was therefore assessed in the evening period once residual noise levels had reduced. The dominant source of sound associated with the operation of the saw shed comprised continuous machinery cutting noise from within the building. The assessment indicates that the rating level of the existing industrial sound from the saw shed is likely to achieve a difference of up to +5dB when compared to the lowest representative night-time background sound level at the nearest proposed residential properties (limited to a number of properties situated to the North East of the site along the boundary with the caravan storage facility). This is an indication that the existing industrial sound could potentially have an adverse impact at the nearest proposed residential properties during the night-time period. However, the Noise Assessment determines the impact to be low.
- 10.77 The Council's Environmental Health Officer considers that a difference of around +5dB is likely to be an indication of an adverse impact and is not an insignificant increase above background noise levels. The provided noise modelling shows an increase in noise levels along Blackmoorfoot Road and any properties will be exposed to higher levels of road traffic noise. The report states that in order to achieve the internal daytime and night-time requirements, openable windows must remain closed. It advises that background ventilation would therefore be provided by ventilators in the building façade and manual ventilation would be provided via openable windows at the occupier's discretion. Trickle ventilation would not be sufficient to help control thermal comfort without the need to open windows and would therefore not be acceptable as the internal daytime and night-time noise requirements would be exceeded during manual ventilation conditions. A condition is therefore necessary requiring a further noise assessment report to inform the Reserved Matters layout to show which rooms in which plots would not achieve satisfactory indoor sound levels with windows open. For these rooms, an alternative ventilation scheme would be required to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- 10.78 Overall, it is considered that issues regarding noise on the site can be resolved by conditions, which are recommended, in order to protect future occupiers. Given the scale of the site, any mitigation would be provided a part of any full or reserved matters application that seeks approval for layout. Any issues of

noise/ odour arising from the proposed 500m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use) would also need to be addressed by planning conditions in the event that the end use related to food preparation or required any form of mechanical ventilation/extraction.

Lighting

- 10.79 The application includes the submission of a Lighting Assessment to take account of the fact that artificial lighting associated with the development has the potential to cause impacts at existing sensitive receptors in the vicinity of the site and the potential to expose future residents to any existing light spillage issues. The exact level of artificial light experienced by future residents would, however, depend on the final design to be determined at Reserved Matters stage.
- 10.80 The Lighting Assessment determines that the site is currently on the edge of town and it has been carried out to ensure that it can be developed within the parameters of Environment Zone 2 - the equivalent light generation/ environment of a rural area or village. Given the scale of the site, and the potential for the impact of light pollution from a distance, this is considered to be an appropriate zone on the fringes of a built up area.
- 10.81 Also, given the nature of the site and the presence of certain habitats within and adjacent to it, this relatively low level of illuminance would further allow for habitat protection where necessary (e.g. in relation to trees on the edge of the site, which are being retained) as a means of seeking bio-diversity enhancement. It is considered that the issue of lighting can be satisfactorily addressed by a condition to stipulate that the lighting levels conform to the limitations for Environment Zone 2. This would serve to protect the living conditions of existing and future occupiers.
- 10.82 Taking into account the matters above, it is concluded that the site is of a sufficient scale that a scheme can be developed at Reserved Matters stage that would protect the living conditions of existing and future occupiers. Subject to the imposition of relevant planning conditions, it would therefore comply with the objectives of Policy LP24 and guidance within the NPPF.

Ground conditions

- 10.83 Notwithstanding its residential allocation, the site is also within a Minerals Safeguarded Area and subject to Policy LP38 of the Local Plan. This policy seeks to safeguard minerals on sites in excess of 1000sq m unless it can be demonstrated that the mineral has insufficient economic value, in which case not extracting the mineral prior to development can be justified. The policy also allows for the minerals to remain, if there is an overriding need for the proposed development. The site, has in parts, been quarried already and it is accepted that there is an overriding need within the district for the delivery of new housing. As such no objection is raised to this scheme in this regard and it is compliant with Policy LP38.
- 10.84 Policy LP53 of the KLP advises that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination

assessment and/or land instability risk assessment. In this case, the application is supported by a Phase I and Phase II Geo-Environmental Site Assessment.

- 10.85 These documents acknowledge that the site comprises the former Black Cat Fireworks factory. It incorporates multiple buildings associated with fireworks manufacturing and activities still exist on site. It has also been the site of former quarries. Polycyclic aromatic hydrocarbons (PAHs), asbestos-containing materials, heavy metals and metalloids and ground gas were identified as possible risks to site receptors and the report recommended intrusive work to confirm.
- 10.86 The Assessments detail the field investigation and laboratory results. The site constitutes widespread made ground, generally comprising of inert material, which was proposed as the possible source for several contaminants. Elevated heavy metals, PAH, naphthalene and total petroleum hydrocarbon were above soil screening values and the report recommends that remediation will be required in relation to ground contamination. Asbestos is common at sites with historical industrial land use. Twenty-four samples were analysed for asbestos and from these, five contained asbestos fibres. Analysis of four samples determined that the asbestos content was very low or less than the limit of detection (<LOD) and no inhalation risks were identified during the movement and placement of these asbestos-containing soils beneath plots. The findings suggested that asbestos was generally associated with localised shallow made ground and one instance of deeper made ground. From this, 'hotspot' excavations and the placement of piled impacted soils at depth beneath the plots would be proposed.
- 10.87 However, the Council's Environmental Health Officer considers that any disturbance may liberate asbestos fibres and present a serious health risk. Piling practices may also present a risk. Consequently, before any development commences on site, further risk-modelling is considered necessary relating to inhalation risk to site receptors. It is considered that the proposals for asbestos remediation should show clear efforts to limit future exposure to site workers and end-users. This can be secured by means of a planning condition.
- 10.88 In addition to soil analysis, ground gas monitoring was carried out as a moderate ground gas source generation potential had been assigned to the site. The report identifies that the site has minimal risk methane and carbon dioxide and monitoring was terminated after less than 3 months. However, the Council's Environmental Health Officer considers that a ground gas regime for the site is necessary, which can also be secured by condition. Subject to the imposition of these conditions, it is considered that the proposal is sufficiently compliant with Policy LP53.

Air quality

- 10.89 Policy LP51 of the KLP relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. In this case, the application is supported by an Air Quality Assessment to assess the potential air quality impacts of the proposal. It classifies the development as 'Major' according to the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance. The assessment considers the impact of the development during both the operational and construction phases.

- 10.90 The southern site boundary of the proposed development is adjacent to Johnsons Wellfield Quarry. This mineral extraction of sandstone is still currently active and has a history of dust generation in the area. Dust emissions and the potential concurrent dust impacts during the construction phase on nearby sensitive receptors was therefore assessed. For the operational phase, the pollutants modelled were Nitrogen Dioxides (NOX) and Particulate Matter (PM10) using a baseline year of 2019 with a future year of 2022 representing the first year of occupation of the development (these relate particularly to traffic generation). Consideration was also given to the impact the development would have on Kirklees Council's Air Quality Management Area (AQMA) 9, which incorporates roads bordering and within the Huddersfield ring road.
- 10.91 The report concludes that during the construction phase there is the potential for air quality impacts due to dust emissions from both the development site and the mineral extraction from Johnsons Wellfield Quarry. However, the implementation of good practice dust control measures as detailed in the Assessment would provide suitable mitigation during the construction phase and reduce potential impacts to an acceptable level. These measures can be secured by condition.
- 10.92 For the operational phase, modelling was undertaken at sensitive receptor locations to predict future pollutant concentrations due to predicted vehicle movements to and from the site, with and without the development. The pollution concentrations for NO² and PM₁₀, as well as dust emissions from Johnsons Wellfield Quarry, were predicted to be negligible. The report concluded that air quality impacts because of the development would not be significant at any sensitive location in the vicinity of the site.
- 10.93 The Council's Environmental Health Officer agrees with the methodology of the Air Quality Assessment and considers the approach to be satisfactory. However, this is subject to the implementation of appropriate mitigation measures during the construction phase, to be conditioned. It is also subject to further details to be provided to inform the layout at Reserved Matters stage. These will include enhanced pedestrian connections to the surrounding area to encourage sustainable transport modes, Electric Vehicle (EV) charging points and the production of a Travel Plan, to be secured by condition. In addition, the applicant will need to prepare a monetary cost damage calculation in accordance with the West Yorkshire Low Emission Strategy -Technical Planning Guidance. This is a calculation of pollutant emission costs from the development to determine the amount (value) of mitigation that is expected to be spent on measures to mitigate the impacts. This will also be secured by condition once the layout and number of dwellings is ascertained through a future Reserved Matters application. Subject to the imposition of these conditions, the proposal is considered to comply with Policy LP51.

Flood Risk and drainage

- 10.94 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that

development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.

- 10.95 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment was required with the application. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.
- 10.96 Given its topography and the underlying geology, it is determined that the site would be unsuitable for infiltration methods of drainage. Consequently, on-site storage would be necessary and the LLFA have confirmed that surface water attenuation can be provided on site to incorporate the stated number of properties/units. Given the scale of the site and the mix of uses and surfacing (i.e. there are very extensive areas of hard standing associated with the existing factory), there will be two outfalls - outfall A to Crosland Hill Road, and outfall B to Blackmoorfoot Road. The appropriate levels of discharge have previously been agreed with Yorkshire Water and the appropriate levels of discharge will be conditioned, as well as a reduction in existing run off from the hard standing areas. These rates would be 27 l/s to outfall A and 6 l/s to outfall B, which is considered to be acceptable.
- 10.97 The LLFA have highlighted that the inclusion of an entrance onto Felks Stile Road is likely to allow a surface water flood route into the site that currently does not occur. This will need to be managed by condition.
- 10.98 Subject to the imposition of drainage conditions above, as well as further conditions requiring interceptors for any commercial premises, a plan to minimise flood risk and pollution post site strip and through various construction phases, and an interceptor in larger parking areas, the proposal is considered acceptable from a flood risk and drainage perspective. It will also be a requirement that the applicant enter into a legal obligation to ensure the maintenance and management of SUDS systems for the lifetime of the developed site.

Climate Change

- 10.99 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters except access into the site reserved for future consideration. It is appreciated that the demolition of existing structures and the construction of new buildings has a footprint in terms of CO₂ emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that will be assessed as part of any future Reserved Matters submission. At that stage, consideration could be given to the life cycle of building materials and encouragement to the use of materials that have a low embodied impact.
- 10.100 Energy efficiency would also be considered at the Reserved Matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to

encourage future residents of the proposed development to use sustainable modes of transport could be secured. This would include adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points. In order to clarify these measures, a condition is recommended to require details of measures to promote carbon reduction and enhance resilience to climate change at Reserved Matters Stage.

Other Matters

Crime Prevention

10.101 The Council's Designing out Crime Officer has provided comments on the indicative site layout. On the basis that it is purely illustrative at this stage, the applicant is encouraged to provide the relevant information at the Reserved Matters stage so that the security at the properties can be designed in line with the 'Crime Prevention Through Environmental Design (CPTED) 1&2 principles of Designing Out Crime'. To address this matter, conditions relating to lighting and secure by design are recommended.

Flexibility in the timescales for submission of Reserved Matters

10.102 The applicant has advised that there are a number of complexities associated with the development of the application site, which could result in delays for the submission of reserved matters applications across it as a whole, particularly for the later phases. These factors include the following:

- Relocation of the Fireworks site and surrendering of licenses
- Engineering and detailed design challenges associated with phasing (e.g. initial and interface infrastructure, multiple developers etc.)
- Unknown sales rates (past estimates have been quite slow, which could delay subsequent phases).

The applicant has therefore requested flexibility in the timescales for the submission of future reserved matters. This is permitted by Section 92 of the Town and Country Planning Act 1990. The applicant has suggested a standard 3 year limit for the submission of reserved matters for the first phase (with standard 2 years for implementation), a 5 year limit (from the date of permission) for the submission of reserved matters for the second phase and a 7 year limit (from the date of permission) for remaining reserved matters / phases. This would be longer than the default period of approval of all reserved matters within three years from the date of the permission, to begin before the expiration of two years from the date of approval of the last of the reserved matters to be agreed. In support, the applicant has put forward an indicative timescale for delivery set out in Table 7 below. For the avoidance of doubt, this timeline is provided as an example only. It does not confirm the precise timing for existing occupiers vacating the site or other events taking place:

Table 7: Indicative Timescales – Precise timings unconfirmed at this stage

Year	Annual / Cumulative	Comments
2021		Assumes permission granted. Marketing period commences late 2021.
2022		Relocation of fireworks operator (unconfirmed at this stage), notice period for tenant farmer, terms to be agreed with Phase 1 developer.
2023		Reserved matters approved for Phase 1 (i.e. within 3 years). Tender and contractor appointments. Discharge of planning conditions submitted.
2024		Discharge of planning conditions approved. Enabling works and infrastructure commence (e.g. access, remediation, earthworks, primary infrastructure connections etc.).
2025	40 / 40	First homes completed in Phase 1. Reserved matters submitted for Phase 2 (i.e. within 5 years).
2026	80 / 120	Phase 1 continues. Tender/contractors, discharge of conditions and enabling works for Phase 2 commence
2027	120 / 240	Phase 1 completes at circa 200 units. First homes in Phase 2 complete.
2028	80 / 320	Phase 2 continues. Reserved matters submitted for Phase 3 (i.e. submitted within 7 years of permission granted)
2029	80 / 400	Phase 2 continues. Tender/contractors, discharge of conditions and enabling works for Phase 3 commence
2030	120 / 520	Phase 2 completes at circa 280 units. First homes in Phase 3 complete
2031	80 / 600	Phase 3 continues
2032	80 / 680	Phase 3 continues
2033	80 / 760	Phase 3 completes at circa 280 – final numbers/completion year depend on care home delivery.

10.103 Officers appreciate the difficulties of bringing this site forward for development, not least the requirement to relocate the existing facilities and to remediate the site. However, its delivery would also contribute significantly to the Council's housing supply and the Local Plan anticipates 282 dwellings from this site in its five year housing land supply. Based upon the applicant's submission, Phase 1 would be completed by circa 2027 with a further 280 by 2030 (within the period of the current Local Plan). Delivery is based upon an annual completion rate of 80 dwellings per year, which may be optimistic but not unrealistic. It is therefore considered that the applicant has provided a reasonable justification for allowing an extended timeframe for the submission of Reserved Matters. Whilst acknowledging the implications for the five year supply, this needs to rely on 'clear evidence' of deliverability. It is therefore recommended that any application for the approval of the reserved matters for the first phase be made not later than 3 years from the date of this permission and an application for approval of the reserved matters for the second phases be made not later than 5 years from the date of this permission and all other phases within 7 years.

11.0 RESPONSE TO REPRESENTATIONS

- 11.1 The majority of representations have been addressed in the report above. However, the following provides a response to specific points:

Highways

The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane.

Response: The safety of the access has been fully assessed by the Council's Highways Officer.

The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures are not reliable.

Response: The traffic survey base flows have been recorded in 2017 and an accepted 'growth factor' has been provided for the future years 2022 and 2031. This assumes the increase of traffic on the network, including the associated trips generated from this development. This has been assessed and mitigation measures are proposed as outlined in the report.

The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. How will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate?

Response: Accessibility and proximity to bus services is fully set out in the report.

The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools.

Response: There are existing pedestrian crossing facilities on Blackmoorfoot Road in the form of a Zebra crossing at the junction of Tom Lane and a traffic island below Gramfield Road. This would provide a link from the development to local schools.

The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road, also an important route to Colne Valley High School and primary schools in Linthwaite;

Response: A pedestrian connection to Felks Stile Road would be secured as part of the layout to be determined at Reserved Matters stage.

The application includes inaccuracies and fails to mention the Methodist church where the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes, all of which will place a burden on a road;

Response: The cumulative impact of development has been fully assessed as set out in the report.

Design

It is imperative that the correct stipulations are made regarding materials to be used, St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area.

Response: This will be considered at Reserved Matters stage when a future application for the appearance of the dwellings is forthcoming.

All dwellings should be carbon neutral.

Response: The Government does not presently require housebuilders to build zero carbon homes at this time. It would be strongly encouraged by the Council at Reserved Matters stage and it is intended that a Climate Change Statement be required to support a Reserved Matters application to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

General

Reduced property values in the area.

Response: The effect of development on the value of existing properties is not a material planning consideration. This has been long established in case law.

If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained?

Response: The Council will impose conditions to ensure an appropriate quality of development and development in accordance with approved plans and these conditions can be enforced through the planning process in the event of non-compliance with approved plans.

A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties.

Response: No evidence has been submitted in this regard and any impact on an individual property would be a private civil matter between landowners.

Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area.

Response: The provision of 700 homes is consistent with the Local Plan. This scheme would deliver up to 770 (including 70 extra care units). It would nonetheless represent the efficient use of land, which is supported by both local and national planning policy and the impact of this number of dwellings has been fully assessed as part of this application. The actual number of houses will, nevertheless, be determined at Reserved Matters stage when an application is sought for the housing layout.

A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the Council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Response: This would be a matter for a future developer to consider.

Living Conditions

Concerned about the level of noise and disturbance this will cause. The site could be under development for years.

Response: Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not a material consideration. However, the concern is understood and a Construction Management Plan would be sought to establish the approach to be taken to management future construction works having regard to the living conditions of adjoining occupiers.

The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed.

Response: The boundary of the site is the extent of the applicant's ownership. The privacy of adjoining occupiers can only be determined when the layout of any houses is put forward at Reserved Matters stage.

Loss of sunlight and daylight

Response: Layout does not form part of the assessment of this application and as a result, any overbearing impact on adjoining occupiers cannot be determined at this stage.

Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Response: The provision of suitable pedestrian routes and connections through the site and to the surrounding area will be fully considered at Reserved Matters stage.

Ground conditions

There is gun powder and asbestos buried on the site – the residents were told the land could never be built on.

Response: The Council's Environmental Health Officer is satisfied that the site can be suitably remediated to allow building to proceed.

Landscape and Bio-diversity

The development will destroy the wildlife on the site and it involves the loss of mature trees.

Response: There will be some loss of trees across the site and some loss of wildlife in the short-term as a result. However, as detailed in the report, the Council will seek to achieve a Bio-diversity Net Gain of 10% across the site as the development comes forward. A full and detailed landscape scheme will also be required at Reserved Matters stage to mitigate for the loss of existing tree planting within the site.

Infrastructure

Schools, doctors, dentists are all full and proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctor's surgery is provided and therefore should be discounted during any approval consideration.

Response: The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system. Nevertheless, there is the opportunity within these scheme in terms of land provision for a doctor's surgery to be constructed if the demand existed.

Drainage

There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow. The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?

Response: The applicant has submitted a drainage strategy, which is considered to be acceptable by the Lead Local Flood Authority. Further information will be required through detailed planning conditions prior to the commencement of development to ensure that the drainage is acceptable within the site and it does not result in flooding issues elsewhere, as required by both local and national planning policy.

Heritage

This number of dwellings will irreparably damage the character of Crosland hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.

Response: The impact on heritage assets is fully considered in the report.

Huddersfield Civic Society comments

How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery?

Response: Affordable housing will be secured through the S106 Legal Agreement. The community facilities will be subject to demand and unfortunately, cannot be categorically secured through the outline planning process in the event that there is no demand for such facilities. It is considered that it would be more detrimental to construct a facility that would remain empty or unused/unmanaged. The application does, at least, include that scope for a community building to be included at Reserved Matters stage or the opportunity for other types of community facilities e.g. allotments, well-designed communal green space.

There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.

Response: The whole site will be subject to a remediation strategy, to be secured by condition to ensure that decontamination is undertaken appropriately and safely.

The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.

Response: As highlighted, the Council's Education Service do not identify any demand for primary places as there is capacity within both Beaumont Primary Academy and Oak CE Primary at the present time and moving forward. Consequently, a requirement for an on-site Primary School could not be justified.

The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working.

Response: A further Travel Plan will be required by condition moving forward to take account of any changing conditions.

For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycle ways as well) that will be heavily used by pedestrians (and cyclists) should be required.

Response: The rural nature of the existing roads typically preclude the provision of separate cycling facilities around the site. Pedestrian connections have been considered from within the site to existing local services and facilities, which would be likely to be the main attractors for pedestrian movement.

There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel.

Response: This is addressed in the report.

There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site.

Response: The highway impact of the proposal is addressed in the report above.

The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety.

Response: The Design and Access Statement has been amended to say that consideration will be given to the opportunity for Low Traffic Neighbourhoods at the Reserved Matters stage. This opportunity can be reviewed on submission of layout as a Reserved Matter.

S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park).

Response: It is not considered that such a contribution would meet the tests set out in the NPPF for planning obligations, namely, being necessary to make the development acceptable in planning terms and directly related to the development.

To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"

Response: Given the nature of Thewlis Lane/Nether Moor Road, it is considered that this development will not have a significant impact in terms of additional traffic generation. To implement such an order requires a separate legal process, which is not guaranteed to be approved should any objections be made. In addition, it is considered that enforcement of such measures at this location would be impractical. Heath Road is not considered to be of such that would have any material benefit from implementing such a status, with again a separate lengthy legal process required for its justification.

The orientation of buildings is something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.

Response: This would be considered as part of any future Reserved Matters submission pursuant to the site layout.

Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy.

Response: A condition is proposed requiring the submission of a climate change statement to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

12.0 PLANNING OBLIGATIONS

12.1 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. In relation to this application, should planning permission be granted, Officers recommend that it should be subject to a Section 106 agreement to cover the following:

1) Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing

2) Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address shortfalls in specific open space typologies.

3) Education – Contribution of up to £1,312,000 based on 770 dwellings. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4) Highway improvements – Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.

5) Sustainable transport – Measures to the value of £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan and £15,000 towards Travel Plan monitoring, the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop) and the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).

6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain in the event that it cannot be delivered on site.

9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

12.2 The requirement for an obligation to retain 20% affordable housing of the split proposed (unless otherwise agreed) in perpetuity in accordance with KLP Policy LP11 and with regard to off-site open space in accordance with Policy LP63 is set out in the report above.

12.3 The contribution towards education is sought having regard to the requirements of Policy LP49 of the KLP. The policy states, amongst other matters, that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. It states that developers should work with the council at the earliest opportunity to ensure the phasing of development and appropriate mitigation is identified in a timely manner to ensure education provision can be secured. The contribution

has been determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This is determined through examination of current and forecast school rolls of relevant primary and secondary schools at that time, their accommodation capacities and consideration of the type of housing to be provided. This ensures a consistent approach to securing the education contribution within the planning application process.

- 12.4 The contribution towards improvements to Longroyd Bridge is consistent with the objectives of Policy LP4 of the KLP. This policy confirms that essential infrastructure is defined as infrastructure that is required to make development acceptable in planning terms. It confirms that new development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability and that this may be achieved on-site or off-site through planning conditions or legal agreements as in this case. The contribution to a sustainable travel fund will meet the objective of encouraging sustainable modes of travel required by Policy LP20.
- 12.5 The introduction of maintenance and management clauses within the S106 will secure the long-term maintenance and management of the specific elements of the scheme to meet the specific policy objectives to which they refer.
- 12.6 Finally, the heads of terms in relation to biodiversity will ensure that the site meet its net gain requirements and to accord with the objectives of Policy LP30. Similarly, the requirement for a monetary cost damage calculation is in accordance with the West Yorkshire Low Emission Strategy -Technical Planning Guidance and to comply with the requirements of Policy LP51.
- 12.7 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to, and fairly and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

13.0 CONCLUSION

- 13.1 This application seeks outline planning permission for the development of the Black Cat site for up to 770 dwellings including 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as small unit of up to 500m² for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these. It is submitted with all matters except access into the site reserved.
- 13.2 As a local plan site allocation, the principle of residential development is clearly appropriate and the provision of a small local centre and/or community facility/doctors surgery will support future residents subject to demand. Sufficient information has also been submitted with this application to demonstrate that an acceptable means of access into the site from Blackmoorfoot Road and Felks Stile Road can be achieved. The cumulative impact of this proposal, having regard to both existing and committed sites has

also been fully assessed and deemed acceptable subject to the mitigation measures set out in this report.

- 13.3 A full assessment of technical matters pursuant to the development of this site has also been carried out, including drainage, remediation, lighting, air quality, landscape and biodiversity have all been satisfactorily addressed at this outline stage and can be appropriately conditioned. It has also been determined that the future submission of the Reserved Matters of layout, scale, appearance and landscaping are capable of delivering a high quality development that meets the Council's place making aspirations.
- 13.4 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. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute sustainable development and accordingly, it is recommended for approval.

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

1. Application for approval of the reserved matters for the first phase of development not later than 3 years from the date of this permission. Application for approval of the reserved matters for Phase 2 not later than 5 years from the date of this permission and all remaining Phases not later than 7 years from the date of this permission.
2. Development to begin not later than, whichever is the later of the following dates - the expiration of 2 years from the date of approval of the last reserved matters application for the first phase or before the expiration of 5 years from the date of this permission.
3. Details of the reserved matters for each phase before that phase commences.
4. Construction of the accesses into the site in accordance with the approved plans.
5. Development of the Reserved Matters in broad accordance with the Design and Access Statement up to a maximum of 770 dwellings, including up to 70 care apartments.
6. Submission of a Phasing Plan
7. Submission of a Construction Environment Management Plan
8. Details of off-site highway improvements.
9. Provision of visibility splays in accordance with the approved plan.
10. Details of the junction and associated highway works, between the proposed estate road(s) and Blackmoorfoot Road/Felks Stile Road.
11. Full Travel Plan
12. Method for collection and storage of waste;
13. Details of temporary waste collection;
14. Closure of redundant accesses.
15. Highways condition survey
16. Details of retaining walls/structures adjacent to the adoptable highway.
17. Submission of details relating to internal adoptable roads.

18. Details of surface water drainage works including the means of restricting the discharge for the relevant area of the site to the public sewer network at a maximum rate of 27 (twenty seven) litres per second
19. Separate systems of drainage for foul and surface water
20. Details of the proposed means of disposal of foul water drainage for the whole site
21. Petrol, oil and grease interceptors for large parking areas;
22. No development to take place/commence until a written scheme of archaeological investigation (WSI) has been submitted and approved.
23. Ecological Design Strategy
24. Landscape and Ecological Management Plan (LEMP)
25. Lighting Design Strategy for Bio-diversity
26. Air Quality Impact Assessment prior to the submission of the each phase of Reserved Matters;
27. Dust mitigation measures for each phase;
28. Electric Vehicle Charging Points for each phase;
29. Submission of a Phase 2 Intrusive Site Investigation Report;
30. Submission of Remediation Strategy;
31. Implementation of the Remediation Strategy;
32. Submission of Validation Report;
33. Noise assessment where ventilation required;
34. Details of external artificial lighting;
35. Tree Protection measures
36. Details of crime prevention measures in accordance with guidance from WY Police
37. Finished site levels (including existing and proposed cross-sections).
38. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92546>

Certificate of Ownership – Certificate B signed – notice served on site owner.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2020/90725 Erection of 68 dwellings with associated access, parking and open space (revised plans) Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

APPLICANT

Farnley Estates (No 1)
LLP/Engie Regeneration
Ltd/Stonewater Ltd

DATE VALID

10-Mar-2020

TARGET DATE

09-Jun-2020

EXTENSION EXPIRY DATE

31-May-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

- 1) Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
- 3) Education – A contribution of £135,308 to be spent upon priority admission area schools within the geographical vicinity of this site to be determined prior to the commencement of development;
- 4) £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
- 5) A contribution of £37,851.00 towards a sustainable travel fund;
- 6) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application seeking full planning permission for a residential development of 68 dwellings on a site allocated for housing in the Local Plan.
- 1.2 In accordance with the Council's Scheme of Delegation, it is brought to this Committee because it relates to a development of more than 60 dwellings and also, due to the significant volume of local opinion on the proposal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is broadly rectangular and extends to 2.20 hectares. It is situated approximately 4.5km from the centre of Huddersfield on the east side of the A629 Penistone Road. To the north, it is bounded by Whitegates Grove. To the eastern boundary is a disused railway line, the embankment of which rises up from the site edge. Beyond this, at a higher level than the site, are residential properties on Whitegates Grove and Clough Way. The southern boundary is adjoined by the gardens and curtilage of residential properties on Woodsome Drive.

- 2.2 The site is presently an agricultural field, principally characterised by its open form and topography, which slopes up from Penistone Road. The existing levels along the western boundary of the site are between approximately 83-85m AOD. Along the eastern boundary, they are in the range of 90m-98m AOD, resulting in a level change across the site of between 7m to 13m. It is a physically contained site, defined by the natural stone wall that forms its perimeter along the A629 as well as vegetation to its remaining boundaries. In addition to a single tree that sits centrally within the field, there is a group of mature trees to the northern edge of the site, including some protected under a Tree Preservation Order (TPO). There is a further TPO on a group of trees along the disused railway embankment adjoining the north-east corner of the site as well as further planting along this embankment. Planting exists along the southern boundary, both within and adjacent to the site.
- 2.3 The immediate surrounding area is mainly residential in character with housing development to the north, south and east of the site, forming part of the settlement of Lepton. Lepton village lies to the east. The land on the opposite side of Penistone Road is open farmland within the Green Belt.
- 2.4 The site is identified as a Housing Allocation (HS1) within the Kirklees Local Plan Site Allocations and Designations (February 2019). It is referenced as 'land to the north-west of Woodsome Drive, Fenay Bridge' with a gross and net site area of 2.27 hectares and an indicative capacity of 68 dwellings. Site constraints are identified as noise from traffic on Penistone Road, its location close to an area of archaeological interest and that it is partially within a High Risk Coal Referral Area.

3.0 PROPOSAL:

- 3.1 This planning application seeks full planning permission for the construction of 68 semi-detached dwellings comprising the following:

22 X 2 bedroom dwellings
46 X 3 bedroom dwellings

The original application indicated that the houses would be a combination of affordable rent and shared ownership i.e. 100% affordable. The proposal has subsequently been amended to an open market housing scheme with 20% affordable provision. It would deliver 14 affordable properties comprising 10 x 3 bed and 4 x 2 bed homes.

- 3.2 A new vehicular access point into the site would be created along the frontage from Penistone Road. This initial section of road would be designed as a standard estate carriage with a 5.5m wide carriageway and 2m wide footways on both sides. A shared surface cul-de-sac arrangement would then ensue within the estate. One cul-de-sac would extend towards the northern end of the site with houses on each side. The other would extend southwards to serve the wider part of the site with the dwellings arranged on both sides and a turning head at the end to provide turning facilities.
- 3.3 The position of the road and dwellings is a consequence of the site's topography. The arrangement of the road and houses would run in bands on a north-south alignment that would respect the contours of the site and broadly follow the existing gradient. A retaining structure would need to be constructed along both the eastern and part of the southern boundary to accommodate level changes across the site.

- 3.4 The houses would be spaced consistently throughout the site with the majority provided with two on-plot parking spaces on a driveway to the side. Visitor car parking would be incorporated throughout the estate.
- 3.5 The development would be two storeys in scale. The application form indicates that the houses would be constructed in reconstituted stone with a grey concrete tile roof. An off-white render would be used on a select number of properties. The application indicates that the houses would be traditionally detailed with artstone lintels and cills, a window hierarchy with typically larger windows to the ground floor and bay windows to some frontage properties.
- 3.6 The proposal includes two areas of public open space (POS). The largest would be positioned at the entrance of the site. This would incorporate a 450m² LEAP (Local Equipped Area for Play). A second area of POS would be provided at the northern tip of the site to accommodate the protection of the existing mature trees along the northern boundary. A footpath would connect through this POS to Whitegates Grove. This is the route of a public footpath (KIR/64/40) that joins into a branch of footpaths (KIR/64/30 and KIR/64/10) providing a connection towards Common End lane and Fenay Bankside.
- 3.7 The site would be comprehensively landscaped. With the exception of new entrance points, the existing stone wall to the front of the site would be retained and repaired. Behind the wall would be areas of native shrubs along sections of the frontage as well as new tree planting. New tree planting would also be incorporated within the areas of POS, to the frontage of some properties and within the street scene.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There are no previous planning applications on this site.

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

- 5.1 The site was the subject of a pre-application enquiry in 2018 in accordance with 2018/20226, which considered two sites in Lepton that were, at that stage, identified for housing in the emerging Local Plan. Following a meeting held on 31 August 2018, a formal written response was subsequently provided on 5 October 2018. This set out general advice relating to the application site in respect of policy, affordable housing, layout, highways, drainage, environmental issues and bio-diversity.
- 5.2 In the course of the planning application, the applicant has been asked to provide a range of additional information in response to statutory and non-statutory consultation responses and to revise the site layout. The revisions to the scheme have included the following:

A reduction in the number of dwellings from 74 to 72 and subsequently to 68;
A revised layout to address the impact of the proposal on the living conditions of those immediately adjoining the site;
A revised drainage strategy;
A revised Noise Impact Assessment;
A revised Air Quality Impact Assessment;
A revised Arboricultural Impact Assessment;
Additional ecological information;
New/additional tree planting/landscaping.

5.3 In March 2021, the agent confirmed in writing that they wished for the proposal to be determined as an open market housing scheme with 20% of the properties to be affordable rather than 100%. The original plan they submitted identified 14 affordable homes in the key but showed 18 on the plan. A corrected layout plan was subsequently submitted in April 2021 identifying the location of the 14 affordable units that are proposed.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) (KLP).

Kirklees Local Plan (2019)

6.2 The site is allocated for residential development in the Local Plan (Site Reference HS1 - Land to the north west of Woodsome Drive, Fenay Bridge, Huddersfield. It is identified as having a net and gross site area of 2.27 hectares and an indicative capacity of 68 dwellings. Identified constraints are the noise from road traffic on Penistone Road, being close to an area of archaeological interest and part of the site being within a High Risk Coal Referral Area.

6.3 The following policies are most relevant to the consideration of this application:

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

LP23 – Core walking and cycling network

LP24 – Design

LP26 – Renewable and low carbon energy

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP32 – Landscape

LP33 – Trees

LP34 – Conserving and enhancing the water environment

LP47 – Healthy, active and safe lifestyles

LP49 – Educational and health care needs

LP50 – Sport and physical activity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP63 – New open space

LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.4 The most relevant SPG/SPD document is the following:

Highways Design Guide SPD (2019)
Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
Green Street Principles (2017)
Kirklees Interim Affordable Housing Policy (2020)
Providing for Education Needs Generated by New Housing (2012)

6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the ‘Quality Places’ consultation. These have undergone public consultation, but have not yet been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and also subject to public consultation. It is yet to be adopted but it is a technical advice note is to provide guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

National Planning Guidance:

6.6 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

Chapter 7: Requiring good design
Chapter 9: Promoting sustainable transport
Chapter 11: Conserving and enhancing the natural environment

6.7 The following national guidance and documents are also relevant:

National Design Guide (2019)
Technical Housing Standards – Nationally Described Space Standards (2015, updated 2016)

Climate change

6.8 On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The Statement of Community Involvement submitted by the applicant confirms that a pre-application consultation exercise was undertaken in September 2019. It states that a public exhibition was held on Wednesday 11th September 2019, to which around 750 local households and businesses around the site, as well as borough and parish councillors, were invited to attend. On the day of the public exhibition, 121 people attended, including one borough councillor. Subsequent newsletters were sent out by the applicant to update residents on the proposal.
- 7.2 With regard to the statutory consultation as part of this planning application, it was originally advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices (3) and a press notice in the Huddersfield Examiner (27 March 2020). It was also advertised by means of direct neighbour notification letters that were sent 12 March 2020. A total of 77 representations were received objecting to the development.
- 7.3 Whilst there is no statutory requirement under the DMPO to undertake any consultation on revised proposals, letters were sent to all interested parties on the revised scheme that amended the proposal from 74 dwellings to 72 dwellings on 7th August 2020. A further 38 objections were received.
- 7.4 The scheme was then revised from 72 to 68 dwellings in October 2020. However, at that time a further general public re-consultation exercise was not undertaken as it was felt unlikely to address the majority of matters raised by local residents previously regarding the principle of development.
- 7.5 Nonetheless, residents were again consulted in March 2021 with regard to the latest revision to the application to modify it from a 100% affordable housing development to an 80% market housing: 20% affordable housing scheme. This also resulted in a modification to the number of visitor parking bays from 15 to 21. A further 8 objections have been received albeit broadly reiterating concerns previously made.
- 7.6 In total, there has been 132 letters of objection to this proposal, including comprehensive responses from GAIL. The representations can be viewed in full on the Council's website at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90725>. A summary of the responses received is set out below:

Highway and Transport Issues

- Penistone Road is already impossible to get onto due to traffic numbers;
- By putting houses so far from local amenities and shops, people are forced to use their cars, causing congestion and pollution;
- Traffic problems on Penistone Road are well known and significant concerns about adding a new junction;
- Penistone Road is one of the busiest in Kirklees and at peak time, the traffic build can be very high and at off-peak times there are daily occurrences of

speeding and dangerous driving. Adding another junction will increase the difficulty and result in danger to traffic;

- Rowley lane and Station Road junctions are already notoriously difficult;
- At rush hour it already take some time to make a right-turn onto Penistone Road. Further vehicles will increase the chance of accidents;
- To travel to Huddersfield using public transport would involve crossing the road next to the Rowley Lane junction, which would be a danger to pedestrians;
- The resident often has to queue for 5-10 minutes to pull out of Station Road or Rowley Lane. The road is 40mph but incredibly congested at peak times;
- It is very difficult (and dangerous) to join Penistone Road from Kirkburton, (North Road), from Farnley Tyas (Woodsome Road), from Lepton (Station Road) and Almondbury (Fenay Lane). The impact of yet more traffic will only add to the difficulties and dangers of joining Penistone Road as can be seen from the number of accidents there are;
- There have been many accidents on this small stretch of the road with many recent calls for traffic lights going unheeded;
- The applicant is making a "gesture" towards traffic management by adding a right-turn lane into the estate's single entrance but this is not good enough to stop accidents;
- There will be an average of 178 residents (based on an average of 2.4 per household) within the proposed development. The Travel Plan states it will encourage the use of public transport, so no doubt there will be a number of these residents, both adults and children who will use this method of transport. However, this will lead to pavement and bus stop congestion, causing danger issues for pedestrians, cyclists and motorists alike, on what is an already very busy main A category road;
- Local infrastructure is not adequate, (or certainly at risk of being put under higher pressure due to increased demand) to service the proposed development.
- Only the most experienced of cyclists would consider cycling on Penistone Road, where traffic volumes are high.
- Future residents of the development will be strongly motivated to use their cars for most or all trips, even short ones. The disused former Kirkburton branch railway offers an opportunity for safe and environmentally friendly walking and cycling. It is largely intact between Highburton and Waterloo, and suitable for development as the Fenay Greenway. It would seem reasonable for the developer of this site to make a significant contribution to the cost of the section between Rowley Lane and Station Road;
- The proposed access to the site is positioned where Penistone Road curves towards the East. This creates a blind spot for motorists exiting the bottom of Rowley Lane and householders exiting their driveways just before the bottom of Rowley Lane;

- Penistone Road for pedestrians is currently unsafe, particularly for any more than one person at a time, due to cars travelling at high speeds with a narrow pavement;
- Is the new right turn sufficient on its own?
- The amount of traffic on Rowley Lane at school pick up and drop off times is totally unacceptable and causes difficulty traveling around the village. This development will just exacerbate matters;
- Traffic lights will have to be installed due to the increase of traffic from Penistone road up and out of Rowley Lane which already has a history of RTA's. This must not go ahead to the detriment of the local community;
- Residents have previously petitioned the Council to reduce the speed limit along Penistone Road at Fenay Bridge from 40mph to 30mph and to undertake a comprehensive traffic and highways survey;
- Given the increase in traffic volumes and mindful of the need to ensure cyclists' safety, are there any plans to create a cycle lane for each direction of the A629 Penistone Road and what impact would this have on the width of the road and the flow of vehicular traffic?
- The bus services are provided by just one Bus Company. What happens if the firm goes out of business or they decide to stop running a route or makes a significant change to its timetable (such as stopping all Sunday services). What provision is there for people who work unusual hours, particularly at night time?
- Any assessment of the Highways and Access implications of the proposed development will be fundamentally flawed if no account is taken of the potential cumulative impact of both other housing developments in the immediate vicinity (i.e. HS2 and HS3) and, given that the A629 Penistone Road is a primary route south of Huddersfield towards Sheffield and the M1, other developments in the surrounding area;
- The proposed HS2 and HS3 would have their main access onto the A629 Penistone Road less than 0.2 of a mile further south from HS1. The Local Plan housing allocations for HS1, HS2, HS3 and the above Sites provide for a total indicative capacity of 2,462 new dwellings. By extension, using the most recent 2011 Census Key Statistics on Kirklees Car Availability, the 2,462 additional dwellings would result in +/- 3,400 extra vehicles using Penistone Road at the point where HS1 would be developed;
- The application states that the development would have 137 parking spaces (for 74). The proposed parking allocation does not comply with the SPD provision for 166 spaces. There must be concern about the potential knock-on effects of the actual number of vehicles, vehicle movements (including service vehicles) and associated noise and air pollution;
- Whilst the statistics shown in the applicant's reports state there is not an excessive amount of accidents in the location in the five years up to 2018, there have been unreported cases witnessed by a resident where vehicles have hit the stone wall on this stretch of Penistone Road. As a result of an

increase in vehicles, it will become an accident high risk area, particularly for vehicles turning right out of the development;

- The use of public transport, should this be a chosen and encouraged form of transport will result in the bus stops being crowded, the pavements busy with children, parents with prams, and buses pulling up interrupting the traffic flow.
- The applicants report states that the pavement (which is currently only on one side of the road, with just a very narrow grass verge on the other side) is 1.7m wide. This is challenged as this is the widest point but it reduces down to 1.1m;
- Stonewater advertise that they will rent properties to persons as young as 16. Therefore, there's a risk that this development will be occupied largely by young adults in the age group 17-24. Should those tenants have vehicles / access to vehicles that means a high-risk junction will be negotiated several times on a daily basis, by drivers who statistically carry the highest proportion of risk on UK roads;
- Although there are 2 bus services along Penistone Road, at this point in time, one service has only 6 buses per day, while the main service is hourly;
- The width of Penistone Road is not 8.7m as stated – it varies. Measured at 8.19m just beyond the access junction outbound to Whitegates. The central hatching was 1.51m and not 2.5m wide;
- The plans provide for a 2.5m ghost lane to hold up to 7 vehicles but if the width of the road varies, the road lanes will be severely restricted;
- The pavement on the outside of the road measured 1.6m – less than stated in the report;
- Disparity between distances in report and those provided by 'googling them' in terms of distance to shops/services etc.;
- TA claims the ghost lane minority access to Whitegates Grove is 2.5m but it is 1.9m. The ghost lane access marked by a T-road junction sign approximately 300m north along Penistone Rd from the Whitegates Grove turn off serves a total of 4 homes and is 1.73m. This second minority junction is not referred to in the transport report. A narrow ghost lane to serve 74 houses would therefore be dangerous;
- The proposal for an additional access point along this dangerous stretch of Penistone Rd will mean there will be 6 access points off Penistone Rd in a relatively short distance. The combination of speeding traffic, increased traffic levels along with so many junctions is deadly;
- No mention is made of both the numerous recorded accidents and minor unreported ones around the staggered junction at Station Rd/ Fenay Lane and the seriousness of some of those accidents;
- The further inclusion of islands on this stretch of road will make it more dangerous for cyclists by creating pinch points;

- Rowley Lane is already a race track and a busy road with no traffic calming adding additional traffic will compact this with potential heavier traffic due to more housing;
- The local bus stops are too small to support the extra number of people;
- No plans to slow the traffic along this Penistone Road between Station Road and Rowley Lane and negligent to allow a development to enter/exit from this road;
- There are no plans showing a safe crossing point for pedestrians;
- The revised plan has 11 dwellings with only one allocated parking space, 9 dwellings of which are all located together on the south western corner of the site. Three of these dwellings do not even have the one space allocated at either the side or in front of the property;
- The whole site has only 11 allocated visitor spaces. This falls far short of the 1 per 4 dwellings policy. There will be a combined effect with the lack of 2 spaces per dwelling.

Drainage and Flooding

- The land has a serious problem with flooding and the drains are not suitable for purpose;
- The field already becomes waterlogged and the creation of new hard surface as a result of development will mean more flooding on Penistone Road;
- The field has a very steep slope and without its ability to soak up heavy rains (and with heavy rain become a regular feature of the climate), it is considered that the proposal will result in severe flooding on Penistone Road;
- In light of recent flooding, too early for developer to claim that flooding of the area is only a 1:1000 year event;
- The road is liable to flooding. This development of tarmac, paving and hard landscaping will exacerbate this no end and a pumping station only proves to bolster this point;
- The documentation does not include a Flood Risk Assessment (FRA) nor a response from the Environment Agency;
- There are many springs running down the field into Penistone Road, which does flood;
- In recent heavy rain Penistone Road was standing in water, Fenay Beck below was massively swollen coming dangerously close to homes at the bottom of Woodsome Road and Brewery Yard off Fenay Lane, flooding Harvey's and entering the car park at Morrisons. Building here will increase these problems even with a good drainage system;

- Surface water will run down the development towards Penistone Road (downhill, away from the proposed new development) and inevitably place greater stress on Fenay Beck, which already bursts its banks in heavy rain;
- The building of houses on this land will create a greater risk of flooding. As this field takes in water from the hill above and the houses situated above the field, if houses are built then there will be no soak away for the rain water;
- Disagree with the findings of drainage reports submitted and discharge rates to a stated outfall which have been assumed;
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge;
- The development site is historically affected by top water run-off and natural issues particularly associated with the land drainage of the adjoining former railway line, cuttings and embankments. Has this been researched, evaluated and accommodated?
- The character of the site existing top soil cover is permeable and normally allows good absorption with ordinarily little run off. Development of the site seems to involve extensive excavation which will expose less permeable strata with the consequent increase in run-off.

Noise, Air Quality and Pollution

- Additional noise;
- 74 houses will result in at least 120 vehicles contributing to local air pollution (by the builders own figures);
- Considerable level of noise and disturbance to adjacent properties from car doors, deliveries, outside activities, motorbikes, barking dogs, music etc.;
- The Noise Assessment suggests that future occupiers would be expected to keep their windows closed for a significant portion of every twenty four hours to avoid unnecessary exposure to high noise levels and query how this is acceptable? Their gardens will also experience high noise levels?
- The provision for electric vehicle charging is grossly exaggerated, vehicles of this type and price are not likely to be to be used by residents of affordable social housing, not really an issue other than the that it is obvious that vehicles will be of the highest polluting types, the density of which (taking into account the 139 allocated parking places in a small compact area) is going to be massively detrimental on the local environment, noise and air quality;
- The location of the site is such that many local services and amenities are not within easy walking distance. Walking along Penistone Road is unsafe and subject to traffic pollution;

- A development on this scale will change the local population significantly – What guarantees do existing residents have in terms of the obvious increases in traffic, air + noise pollution as a result of a major housing development?
- The issue of air quality, both from construction of the development and particularly from the increased traffic volumes using the A629 Penistone Road is a major concern;
- An assessment be carried out on the cumulative effects of emissions from vehicles using Penistone Rd in order to predict the impact on air quality;
- Taking into account HS2 and HS3 (allocated sites) using the 2011 Census Key Statistics on Kirklees Car Availability, these developments would result in +/- 3,400 extra vehicles using Penistone Road at the point where HS1 would be developed. If an AQMA is deemed necessary, who will bear the cost of the mitigation measures?
- Concerned that the proposed roadside development of intermittent houses - space - houses will cause us to be subject to intermittent amplified traffic noise to severe nuisance level;
- Concerned regarding potential severe nuisance and loss of privacy due to vehicle headlight trajectory glare onto the frontage of an adjoining property at night-time;
- The incline of the site and its south-west facing orientation causes it to be subject to the 'downwind' effects of the oft-prevailing south-west air flow. The potential therefore of very high concentrations of harmful traffic fumes and excessive noise from the frequent increasingly slow moving and often queuing traffic, to occupants of the proposed nearby development overlooking the grossly overloaded Penistone Road;
- The direct void noise corridors from the A629 traffic noise source and adjoining properties remain virtually unaltered in the revised scheme;
- Concerned about a change in character of the received noise due to the development layout. Currently, traffic noise is of a tolerable, consistent uninterrupted tone. Due to the proposed site layout receipt of traffic noise at our property will be intermittent, variable and therefore persistently annoying.

Green Belt (NB: The site is not within the Green Belt)

- This is Green Belt land and Kirklees should be looking to build on Brownfield land before green;
- More erosion of the Green Belt – Brownfield sites should be prioritised;
- Why build on Green Belt, which is a natural lung for Penistone Road.

Density and Design

- The houses will look out of character with the surrounding area;
- The volume of houses planned (written in response to the 74 originally proposed) is too high on such a small site;
- The house design is 'boring';
- There is a large number of houses in a small space compared with the surrounding area and their appearance and very basic build quality of the houses, in the style of 1960s/70s local authority housing would not fit with the surrounding area;
- The proposed development is not in keeping with the stylistic context or scale of the local area and neighbourhood. Existing properties in the neighbourhood are in the main individually designed properties with significant space between buildings and consist of detached properties with a smaller mix of larger than average semi-detached properties;
- The proposed properties are uniform in both appearance and layout resulting in incompatibility, not in scale or context with existing properties in the adjoining area;
- The proposals for HS1 in layout, tight proximity and house type (all semi-detached) pay no respect to its surrounds and will appear very much out of character with the locality;
- No provision made for public open space at the southern end of the site;
- Reviews of other Stonewater developments have very negative comments regarding the quality of building materials etc. This will have a further negative effect on the locality (NB Stonewater are no longer the applicant);
- The Local Plan states development for up to 68 dwellings and there are 74 proposed by the developer (NB Amended to 68 in the course of the application).
- The layout is very much in a uniformed style and at the admission of the developer that the highest density is at the south side of the site;
- The south boundary is the main boundary in relation to the effect on the existing residents, and there are no plans for green or open space, no landscaping or screening. However, the open public space areas are positioned in locations where there are substantially fewer properties, and also has the back drop of already existing trees and shrubbery, which has been described by the developer as a substantial buffer to the properties to the eastern boundary;
- The relationship to existing houses is closer than 21 metres between main habitable windows;

- The amount of space allowed on the estate is too small for the number of children likely to be on the estate and there no green spaces nearby for children to play. If fewer houses were on the site, there could be bigger green spaces for recreational use by residents;
- Not even the idealised CGI of the proposed development on land off Penistone Road at Fenay Bridge manages to conceal the dull, homogenised nature of the 74 homes (as originally proposed) planned for the site;
- The proposed site is totally out of context, scale and style with the surroundings. It is crammed and ugly, in what is a beautiful part of Huddersfield;
- The location of the proposed development is the first sight of any green field landscape and countryside, upon leaving already densely populated urban areas on the outskirts of Huddersfield, and the visual impact of this will have a negative effect on the neighbourhood. The proposed landscape/public open space within the development is very poor;
- The design and layout of the proposed properties is repetitive, uniformed, with no imagination or creativity in regard to appearance and layout and have very little space between them;
- Do the various floor plans conform to Nationally Described Space Standards and, if they do not, why should they be approved?
- Still too many properties on the revised scheme;
- Tall retaining wall is being proposed with properties proposed at 4-5 metres below the height/level;
- The planned building material is not in keeping with the surrounding areas;
- The idea of the bank of terraced houses in the revised scheme is a worse idea than the original planned layout of two and three bedroomed semi-detached;
- What will the boundary treatment be?
- There was much made of a proposed public footpath from the south east corner of the site connecting through to Rowley Lane but this is no longer outlined on the new plan;
- The POS should be relocated. Currently all 3 areas of the POS are located on the narrower northern half of the entire site. There is no public open space at the more densely populated by dwellings at the southern end of the site.

Living Conditions

- The existing properties on Clough Way have large front windows and an open area opposite them. The new properties would become an 'eyesore' and people would be able to see directly into these front rooms;

- The layout would not provide a high stand of amenity for the adjoining and future occupiers as windows are too close;
- Cross-section required to understand the relationship between the existing and future houses;
- Concerns relating to the south side of the development have neither been properly referenced nor considered since the consultation in the design and access statement or the Peacock Smith report. Vitally important, as this is the only area of the plan immediately bordering existing residential properties;
- Within the Design and Access statement the sample photographs showing the various boundary walls do not give a true and accurate picture of the actual realistic situation. Photographs titled “view of the south side of the site” are misleading. The properties shown are not the immediate neighbouring property to the south, but are properties on Penistone Road, which run parallel with the western boundary. The immediate properties on the south boundary are excluded, neither photographed nor have been referenced correctly;
- The oblique angle to the windows at plot 38 from an existing occupier would be approximately 20 to 25 degrees. Plot 38 is 13.5 metres from their property. This would, in their view, lead to overlooking, loss of privacy and noise and disturbance. Other local authority areas refer to a minimum of 30 degrees;
- The houses do not meet the NDSS. On the 6th April 2021 the National Standards become mandatory for all homes delivered through permitted development. If the Council is serious about recommending that houses should be broadly in line with National Standards and not just paying lip service then it must reject this application.

Landscape and Ecology

- A variety of wildlife including deer, foxes and owls on the old railway track to the rear of the site and cannot imagine that they will use this corridor if it becomes a playground for children of the estate;
- Removing trees will cause more flooding;
- This proposal will have a negative effect on ‘Nature Conservation’;
- The disused railway line is a valuable wildlife corridor with a huge variety of animals and birds and the level of disturbance would be detrimental;
- The area of green space is just a token and will be used as a play area and there will be no benefit to wildlife at all;
- As losing yet another green space there will also be a detrimental effect on the disused railway line to the rear of the field which provides a haven and green corridor for wildlife;
- Some trees will have to be felled;

- The area directly behind the proposed estate is a wildlife corridor connecting Jumble Wood with Lepton Great Wood. This would be destroyed by the large numbers of children who would obviously play there despite the play area. Stonewater state there would be 'improved ecological enhancements'. Surely a housing estate cannot improve a green area;
- Development will have a large negative impact on the natural environment and wildlife. Sparrow hawks, kestrels and even peregrines have been seen in this immediate area which will be disrupted;
- This is an area that contains a rich diversity of wildlife. Has research and/or a thorough census been conducted to see how a large-scale housing development will affect wildlife and the local eco system? What safeguards do the planners, developers + local authority have in place to protect wildlife in the area?
- The Preliminary Ecological Appraisal (PEA) was conducted during the sub-optimal time for such surveys, meaning that the report lacks detail and fails to provide a rigorous assessment of the Site's biodiversity and how it should be protected and enhanced;
- The ecology report on the application mentions the closest recorded roost as being 300m North of the site in 2012, however we have an ecology report (July 2012) stating the above-mentioned roost. Our property is approximately 120m of the site, therefore it brings into question the credibility of the ecology report undertaken for this application;
- The area is within a location where wild deer have been seen on several occasions, including our own garden in May 2019. This development may impact upon their ability to roam in this location and cause habitat loss;
- The ecological assessment of the site gives scant consideration of the use of the site by farmland birds and site survey in November means the area's use for foraging by bats won't have been assessed.
- There is reference to the removal of 11 trees but no commitment to maintaining the extent of tree cover or achieving net gain across the site as a whole;
- Together the proposed development site (now HS1) and the Green Corridor have become inextricably and inter-dependently linked as a unique complex ecological habitat. The major food source for all these creatures is mainly derived from the now cultivated agricultural land;
- How will it address bio-diversity net gain requirements?

Social Infrastructure

- Schools and Doctors are already stretched and will struggle to accommodate more families with the addition of 250 extra people;
- Insufficient school places already;
- Apart from the Fenay Bridge pub, the only amenities are in Lepton Village, which is a reasonable walk and these are quite limited;

- It is appreciated that Stonewater is obliged to fund school places at the national average of children per household. However, these homes are bound by their nature to attract mostly young families. The places will be insufficient for already oversubscribed schools.
- It is extremely difficult to get an appointment at local doctors ' surgeries already. If the houses are full, it would mean 342 more patients. Surgeries would be overwhelmed;
- The proposals put forward do not indicate major investment in new roads, schools, public health etc., just minor scale investment from the developers to fill number quotas in already stretched local state schools;
- The 2 nearby primary schools are already oversubscribed and there is a lack of available high school places with the closure of Almondbury High;
- Does the schools' capacity takes account of the changes proposed for Almondbury Community School from September 2020 and, if it doesn't, what actions will be taken and when to ensure that children who live on the Development will be able to access school places in the area where they live?
- Has the education department factored in the potential increase in children numbers from other nearby housing developments included in the Local Plan; for instance, Sites HS2, HS3 and HS9 which have a joint site capacity of 872 dwellings;
- A more accurate approach to estimating the need for additional school places would have been for the Council to have adopted the methodology detailed by the Education Funding Agency (EFA) in its document School Capacity (SCAP) Survey 2014: Guide To Forecasting Pupil Numbers In School Place Planning.
- How has the Council arrived at the figures for the increase in local school's intake numbers as a result of the development of 74 houses?
- School figures for spaces are outdated as King James has now taken on students from Almondbury and PAA has changed;
- Very few local shops;
- The local and nearest supermarket is according to google 2km from the site, not 1.5km as stated by Sanderson's and at a maximum point for walking;
- There are currently very few employment opportunities in Lepton and Fenay Bridge. While there are employment prospects in Huddersfield Town Centre, residents cannot be expected to walk there and cycling on Penistone Rd/Wakefield Rd is dangerous and highly polluted around Aspley, so would not be the best means to get to work;
- The latest response from Education Services (ID 822398) suggests that a total of 22 additional places will be needed across Rowley Lane and King James schools. Using Local Census information (the measure recommended) the development will produce 29 children of school age a

shortfall therefore of 7 places which of course disregards any other planned developments in the local area would suggest therefore the Education needs to revisit these numbers to make sure that the financial contribution that they are seeking is adequate and that any shortfall will not be funded by local council tax payers.

Historic Environment

- Castle Hill is one of just nineteen Scheduled Ancient Monuments in Kirklees. It is concerning, therefore, that the Council has omitted from the HS1 Housing Allocation the original Draft Local Plan Constraint that 'the site forms part of the setting of open countryside which contributes to the setting of the Scheduled Monument of Castle Hill'. Historic England's The Setting of Heritage Assets (Historic Environment Good Practice Advice) places a statutory obligation on decision-makers (i.e. Kirklees' Strategic Planning Committee) to have special regard to the desirability of preserving listed buildings and their settings;
- The Planning Application fails to safeguard one of the most significant and visible heritage assets in the whole of Kirklees. The field which forms HS1 has an undeniable link to the history of the local area going back some 600+ years: development of the Site would result in the complete and irreversible destruction of the historic environment and heritage assets;
- The Council has identified the Constraint that HS1 is close to an area of archaeological interest and has highlighted the need for a pre-determination archaeological evaluation;
- Castle hill is clearly visible from HS1 and neither the Council nor the developer has addressed the issue of what impact on the setting of Castle Hill this development will have.

General issues

- Whilst the NPPF provides for the presumption in favour of sustainable development, it also provides for planning applications to be rejected if material considerations exist;
- Prior to the Council's adoption of the Local Plan, the land which now forms HS1 was identified as Green Belt and it performed an important role in checking the unrestricted sprawl and effective joining together of the communities of Waterloo and Fenay Bridge. This application will result in the irreversible merging of the two communities and the permanent loss of open space;
- Has the Kirklees Brownfield Land Register 2019 been consulted when the Penistone Road planning application was received to see if a suitable brownfield site was available as an alternative? There are 118 sites on the Register and the resident queries whether it has been consulted and on what grounds potential sites have been rejected;
- The development strategy of Policy LP20 fails to reflect the reality of Site HS1. The major employment centre of Huddersfield town centre is c.10 – 15 minutes' drive away, all of the thirteen Employment Allocations in the Local Plan are in out of centre locations and rule out pedestrians and just

two of the eighty seven Priority Employment Areas in the Local Plan are within walking distance of Site HS1;

- Given the distances to local shops and services, how likely is it that families will walk to and from them e.g. Morrisons (1.5km);
- This is not a suitable location for such a concentrated estate of houses, which will have little if any of the social mix that the Council has attempted to encourage elsewhere;
- If all the houses are social or shared ownership “it will create a ghetto that will stigmatise the occupants and affect the other houses in the area”;
- These houses will attract buy-to-let investors so the revised proposal does not address local concerns about short term rentals etc.
- House values will be affected;
- The development will spoil the view and devalue houses;
- The plans do not accurately depict the footprint of an existing house on Whitegates Grove;
- The area is “peaceful, friendly and relaxed and the addition of so much affordable housing would ruin this”;
- The “addition of affordable housing devalues the appeal and character of the area”;
- A varied mix of house sizes would serve the wider demographic far better and the number of houses should be reduced;
- “Fenay Bridge has a good reputation for quality properties in a safe area. Building what is, in effect, a council estate within the area is not going to be in the best interests of the existing residents, or the new tenants”.
- As a result of COVID and Brexit, there is uncertainty about how many homes are needed and it is possible that for the reasons of Brexit alone, the population of the UK will shrink as migrants return to their own country;
- The mental health of the population needs green spaces. If we must have more houses then first of all we must use all other brownfield options. Green spaces should now be considered ‘protected’ except for extremely exceptional reasons;
- Brownfield land on Crossley Lane in Kirkheaton on the former site of Jarmains and in the centre of Kirkheaton on the former site of Broadhead and Graves stands empty with no sign of any development. If housing needs are so pressing in this area of Huddersfield why is this land not being used?
- Appreciate the need for social housing and affordable homes, but feel they should be spread throughout the vast proposed building sites around the Lepton area;

- Resident is of the view that social housing carries a higher, disproportionate crime rate. The associated types of crimes on this particular occasion will be predominantly Residential Burglaries and Anti-social Behaviour due to the village's building infrastructure (concealed rear gardens and somewhat well off elderly residents) and the nearest police stations are too far to be effective;
- Gained from knowledge and experience over 35 years, the area is virtually crime free, but will become riddled with the low-level crime, nuisance, disturbance, noise, drugs, social menace etc. Why export this to a peaceful, low crime community?
- Concerned at the reference to evidence of arsenic and mercury in soil samples;
- Kirklees must be able to identify a much more cost effective brownfield location for social housing, given that some of the tenants in these properties are likely to need much easier access to services, shops etc., that this location will struggle to provide for those people;
- This looks to be a very poorly thought out location for social housing and clearly does not put the more rounded needs of the tenants;
- During 2019 (possibly planned & approved 2018), work was undertaken to relocate / divert overhead power lines (these are likely to have been 11Kv lines?) from within the proposed development site. Was this work undertaken in advance and proactively by the applicant(s) without instruction from Kirklees, or were they instructed to perform this work as a direct result of any pre-planning discussions?
- The application is in excess of the allocations as per the Local Plan, adopted 27 February 2019. In this the indicative housing allocation is 68. This application exceeds that by 10%;
- Currently a lack of play areas for the children living in the area so how will the Council ensure that local children have adequate outdoor recreational areas;
- Land within the site has located shallow coal mine workings that may cause land in that part of the site to be unstable. Observed that along the road directly above the railway line along Clough Way, there has been movement of the fence, which suggests the land is actually moving;
- The route of the Fenay Greenway is an already well used path between Whitegates Grove and Rowley Lane, which includes the section adjacent to this site. The path is easily accessible on the level through a gate on Whitegates Grove, and also from Rowley lane adjacent to the former overbridge. Properly surfaced to a 3 metre width, the path would become a valued amenity for walkers, cyclists, wheelchair users and buggy pushers, including residents of the proposed development, if approved. In the longer term it will be part of an alternative commuter route to Penistone Road, where conditions for cyclists and pedestrians will only get worse as other residential sites in the corridor are developed;

- Open Space should be provided on-site to meet the needs of a development as opposed to some more distant off-site provision;
- An equal mix of affordable purchasable housing and social housing should be build, not a huge majority of one certain type;
- Concern about Stonewater as a developer and as a company in terms of management.
- This application cannot be viewed reasonably or in planning terms, without it being assessed in conjunction with the proposed development at HS2 (application ref; 2020/60/92307/W).
- Unacceptable to condition so many details such as retaining walls.

Climate Change

- Climate change is necessitating a change in the way that we design houses to ensure that they are heated efficiently without using gas central heating which will only contribute to global warming through the emission of CO2. Has this been considered by the house builder and Kirklees planning?
- The Government has committed to reducing our carbon foot print by 50% by 2035(??). Has the effect of this proposed development been taken into account by the Government in making such a promise?
- Very much doubt if any of the new houses would have electric charging points installed, which is Government recommendations at present, to encourage further uptake of electric cars before the 2035 cut-off;
- Kirklees Council has declared a climate emergency. It is essential that new residential development reflects the need to achieve high levels of insulation and energy efficiency and new housing should be built to Passive House standards.

Procedural

- No communication with the developer since September 2019 except receipt in March 202 of their proposals, which were virtually unaltered from the initial scheme displayed at the public exhibition and feedback queries remain unanswered;
- Concern about the timing of the application during a pandemic that prevents people from organising group meetings to comment on the proposal;
- Decision should be delayed until meaningful community engagement can take place. This is an extremely important decision that will have a huge impact on this beautiful semi-rural area for ever;
- Lack of response/engagement from the applicant;
- In the National Planning Policy Framework 2019, it states that applicants (Stonewater) are required to engage at pre application. Although they held the meeting for public engagement in September, they have failed to

respond to my requests for further engagement and it seems the meeting in September was a box ticking exercise

- The Peacock and Smith (agent) states consultation and involvement with residents is ongoing, the reality is that it is not, and has not been;
- Consideration of the application should be delayed until meaningful and proper democratic community engagement can take place;
- The applicant submitted the application on 4th March and has tried to gain an unfair advantage by submitting it during a period of confusion and disarray;
- Do not believe a virtual Planning meeting to be satisfactory as a means to determine this application;
- Concerns as to what the development will look like 12 months after completion due to concerns about customer service on repairs and rectifications on new builds and upkeep of the land when residents are charged maintenance.

Construction issues

- The area is peaceful and the prolonged building period would affect this;
- Current residents will have to endure years of building dust, noise & pollution;
- How will the risk of additional construction traffic would be managed during the construction period and the likelihood of multiple trades having limited parking for their vehicles;
- Want assurance that there will be no issues with the structural integrity of the property: buildings, garden spaces, boundaries; existing trees/hedgerows and vegetation given what appears to be proposed;
- Concern about the levels of excavation on site and impact on adjoining properties.

Ward Members

7.7 Ward Members were consulted on the proposal by email dated 5th June 2020. A response has been received from Councillor Munro. Many of the issues raised are incorporated above but she also raises the following comments and requests that the Planning Committee reject this planning application:

- A virtual meeting would not be satisfactory as many local people feel that their views and comments were not listed to during the consultation process;
- Disparities around road widths and distances in the TA;
- Ghost Island is a dangerous option to access the site;
- The creation of an additional entrance onto Penistone Road combined with speeding traffic would be dangerous;

- Concern about accidents, including those unrecorded;
- The joint masterplan for HS2 and HS3 further along Penistone Rd requires a roundabout be built on Penistone Rd. Until that is built, Penistone Road will remain dangerous for right-turners along this stretch;
- Ghost islands make it dangerous for cyclists by creating pinch points;
- From a flood risk perspective, slopes should not be built on without attenuation and run off assessments and the best and right kind of drainage for the job;
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge;
- Penistone Road is narrow with a pavement running only at one side. The proposed ghost lane and existing ghost lanes leave no room for a cycle path alongside and cyclists will be left facing perilous journeys on this local road;
- Additionally the pavement varies in width, making it dangerous to walk along particularly with a young family and is therefore not conducive to encouraging people to walk which forms part of the Council's air quality action plan. This plan is only going to lead to an increase in air pollution and the implications emanating from it will be contrary to the Council's Air Quality Action Plan;
- While there has been an increase in traffic during the day on Penistone Rd, there has also been an increase during the night, to the point where people have to have their windows closed during the night in Summer when it is warm;
- A travel plan has been created to support the planning application. Its aim seems to be to establish the preferred mode of transport to work for the first 50% of residents to establish a base line. While the IHT (Institute of Highways and Transportation) publication identifies suggested walking distances this does not mean that the residents will wish to do so;
- The local schools, restaurants, pub supermarket and Dr's surgery all lie within the 2,000m walking radius, however the Doctors surgery, the convenience store McColl's and both primary schools are all uphill, so some residents may struggle to access them on foot. Additionally the local and nearest supermarket Morrisons is according to google 2km from the site, not 1.5km as stated by Sanderson's;
- The bus company serving the site has buses that are constantly breaking down and people often find themselves faced with waiting for the next bus. The services are also run by one company. Many bus companies are making cuts to bus services all the time and focus only on the more profitable routes, so there is no guarantee that the current services will continue in their present form;

- There are currently very few employment opportunities in Lepton and Fenay Bridge. There are just two priority employment areas in the Local Plan that are within walking distance of Whitegate's Grove. The cumulative impact from all the homes once built will result in people travelling by private car to their jobs which may not be in Huddersfield, placing an ever more increasing burden on the local road network. This planning application should therefore be rejected as the travel plan suggested will be too difficult to implement;
- The Local Plan is based on ONS data from the 2014 forecast on population growth, but the 2016 data from the ONS reduces that forecast by over 30% (11,000 people), meaning that across Kirklees we only actually require 21,000 new homes. This means that virtually all homes planned to be built on Green Belt, including about 900 in Lepton and Fenay Bridge need not be built;
- These houses are effectively being built in a field at the side of an increasingly busy main road with no real access to local amenities, unless people are prepared to walk quite a distance. With few employment opportunities in the area and an unreliable and relatively expensive bus service, the implications of this development and type of housing mean there will be an impact, therefore, on the environment, an increase of flood risk, increase noise pollution, increase air pollution and will create an ever more dangerous road. This outweighs the need for these houses and the application should be rejected.

7.8 A further consultation response was received from Councillor Munro in October 2020 reiterating many of the concerns outlined above, including the following:

- Issues about measurements and distances in the TA;
- Concern about the visibility splay not being sufficient given the risk of pull-out type collisions. There were 4 accidents within 16 days at the Station Road junction recently;
- Ghost right turn lanes are not safe and a mini roundabout would be much safer. Does not accept the applicant's view that widening Penistone Road at the access point to HS1 would encourage overtaking and higher speeds as there will be a ghost lane making it impossible to overtake.
- Note the cycle access onto Whitegates Grove but if cyclists start to cycle along the Grove, this will cause a nuisance to residents who reside there and it can serve no useful purpose. The footpath is too muddy to cycle up and Common End Lane is a narrow road.
- The former railway line is part of a habitat network and any disturbance here will permanently destroy this.
- How does it address bio-diversity net gain?
- Residents told that no surface water from any development should enter Fenay Beck as it will cause the flood risk ratio to rise higher. Queries whether the cumulative effects of surface water discharge into the Beck has been assessed.
- More useful to spend contributions on highway improvement than on the Greenway.

7.9 Councillor McGuin forwarded a set of videos taken by a local resident in February 2020 (Storm Ciara) showing water pooling in the field within the application site, on Penistone Road and on the fields to the east of Penistone Road. Councillor McGuin noted that this occurs 2 or 3 times a year. A further

video of surface water on Penistone Road from this date has also been forwarded by a local resident.

Kirkburton Parish Council

7.10 Kirkburton Parish Council considered the first revised scheme at their meeting on 1st October 2020 and wished to object to the development on the following grounds:

- Highways: There is already a problem with high volumes of traffic along Penistone Road, especially at peak times, which will be increased by this development. The proposed roundabout will worsen the situation;
- A pedestrian access has been incorporated at the SW corner of the site, which provides pedestrians with an easy route to the bus stop. However, to get there, people will need to cross a very busy road with multiple lanes of traffic. To make the situation safer, there is a need for a refuge in the middle of the road, to allow people to cross the main road safely;
- The local schools and medical facilities are already full, so additional places need to be provided to accommodate the increased local population.

KPC have not been consulted on the latest iteration from 72 to 68 dwellings on the basis that it would be unlikely to address the matters raised above.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority: The content and conclusions of the Summary Report on Previous Site Investigation, January 2019, informed by the findings of intrusive ground investigations, are sufficient for the purposes of the planning system and meets the requirements of NPPF paras 178-179, in demonstrating that the application site is safe, stable and suitable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

KC Highways: In response to the original submission, Highways raised some concerns about the layout in terms of connectivity and the need for a loop road. There was also some concern about the road alignment at the site access in order to suitably accommodate a refuse vehicle. In response to the final scheme HDM conclude that the proposal is considered acceptable in traffic generation terms onto the existing network. They have also confirmed that the amendment to a market housing scheme with 20% affordable units is also acceptable in highway terms.

Lead Local Flood Authority: The LLFA objected to the original drainage proposal for this site, which was based on a pumped discharge for foul water. The system was subsequently revised to omit the pumping station. The revised drainage strategy was subsequently considered by the LLFA who advise that they can support the application subject to appropriate recommended conditions.

8.2 Non-statutory:

KC Education: In response to the original submission for 74 homes providing a projected forecast for 2021/22, Education Services advised that additional places would be required at Rowley Lane Junior Infant and Nursery School but no additional secondary school places would be required. In response to the latest scheme for 68 homes, Education advises that based on projected numbers forecast for 2022/23, a total financial contribution of £135,308 is required split between £85,664 (primary) and £49,664 (secondary).

KC Strategic Housing: The site lies within the Huddersfield South Strategic Housing Market Area where there is a significant need for affordable 3+ bedroom homes, along with a less, but still significant, need for 1 and 2 bedroom properties. The application proposes development for the sole purpose of affordable housing, which is welcomed. In terms of tenure, the applicant has proposed a mixed tenure; 55 social or affordable rented dwellings (22 x 2 beds, 33 x 3 beds) and 19 dwellings (6 x 2 beds, 13 x 3 beds) for shared-ownership, which is acceptable for this development.

Yorkshire Water: No objection subject to conditions.

KC Waste Strategy: Provided operational comments for waste collection and recommend the imposition of appropriate planning conditions.

KC Public Health: The application does not meet the criteria for a Health Impact Assessment and therefore Public Health will not be commenting.

KC Landscape/Trees: No objections subject to conditions.

KC Environmental Health: In response to the original layout and Noise Assessment, raised issues in particular in relation to very high noise levels that are predicted at the outdoor amenity areas and some concern about the acoustic specification of the roof structure and upper floor ceilings. The Air Quality Assessment as originally submitted was not acceptable as a result of specific details being omitted, including no mention in the report of other local plan developments within the area in order to consider the cumulative impact. The Contaminated Land Reports were considered acceptable subject to conditions to deal with unexpected contamination.

KC Crime Prevention: Provided advice in line with the Crime Prevention through Environmental Design (CPTED) guidance.

KC Ecology: In response to the original submission, further information on the potential impacts to reptiles, an Ecological Impact Assessment (ECiA) and measures to mitigate them were requested as well as an assessment of bio-diversity net gain. The Reptile Method Statement that was submitted has been confirmed to be acceptable. Subsequently, an ECiA and a further study of a pond near to the site was submitted, as well as further information with regard to the bio-diversity net gain calculation. A response from the Council's Ecologist to this latest information is pending and Members will be updated on this matter within the Committee Update report or at the Committee meeting.

9.0 MAIN ISSUES

- Principle of development;
- Housing mix and affordable housing;
- Density, layout and design;
- Open space, landscape and bio-diversity;
- Living conditions of existing and future occupiers;
- Highways and transportation issues;
- Flood Risk and drainage;
- Environmental health considerations;
- Heritage;
- Ground conditions;
- Climate change;
- Response to representations;
- Other matters
- Planning obligation.

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Within the KLP, the site is a housing allocation (HS1) with an indicative capacity of 68 dwellings.
- 10.3 In accepting its allocation for housing as part of the Local Plan Examination, the Kirklees Local Plan Inspectors' Report, published in January 2019, concluded that exceptional circumstances existed to justify removing the site from the Green Belt. The Inspector concurred with the findings of the Council's Green Belt Review, having regard to the containment of the site and noting that that adjacent roads would provide a strong and defensible new Green Belt boundary. Consequently, the site was omitted from the Green Belt and confirmed as a housing allocation.
- 10.4 Policy LP65 of the KLP within the Site Allocations and Designations document refers specifically to housing allocations listed within the Local Plan. It confirms that 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.
- 10.5 Policy LP1 of the KLP reinforces guidance within the Framework. It states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. It clarifies that proposals that accord with the policies in the KLP will be approved without delay, unless material considerations indicate otherwise. The supporting text to Policy LP1 confirms that allocations in the Local Plan are made in accordance with the spatial development strategy.

- 10.6 Policy LP2 of the KLP refers to place making and advises that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Furthermore, Policy LP3 advises, amongst other matters, that development proposals will be required to reflect the Spatial Development Strategy and development will be permitted where it supports the delivery of housing in a sustainable way, taking account of matters such as the delivery of the housing requirements set out in the Plan.
- 10.7 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. This application would deliver 68 new dwellings, in accordance with the indicative capacity set out with HS1. It would therefore make a significant contribution towards meeting the housing delivery targets of the Local Plan and result in a development that accords with the spatial development strategy.
- 10.8 It is recognised that it is a Greenfield site rather than Brownfield land. However, the allocation of this and other Greenfield sites through the Local Plan process was based upon a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing. It was found to be an appropriate basis for the planning of the Borough by the Planning Inspector. Whilst the KLP strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, whilst the effective use of land by re-using brownfield land is also encouraged within the Framework, the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.9 The application site is in a sustainable location for housing. It is a contained plot that is adjoined on three sides by existing residential development. Consequently, it is reasonably accessible and situated on the edge of an existing established settlement that is served by public transport and other facilities. 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. In principle, however, the development of this site for residential use is consistent with Policies LP1, LP2 and LP3 of the KLP and therefore acceptable subject to an assessment against all other relevant policies within the Local Plan set out below.

Housing Mix and Affordable Housing

- 10.10 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. It also confirms that the achievement of a higher proportion of affordable housing will be encouraged.
- 10.11 This application would deliver 20% affordable housing in accordance with Policy LP11. This would equate to 14 units comprising 10 x 3 bed and 4 x 2 bed properties. It would comprise both housing for affordable rent and shared ownership with an indicative split of 55% social or affordable rent to 45% intermediate housing respectively. The proposal would result in a rather consistent provision of semi-detached dwellings. However, it would

nonetheless, deliver a mixture of 2 and 3 bedroom units. The affordable dwellings would be provided in pairs in different locations across the site. There would be a cluster towards the rear boundary and a further group towards the front. In the absence of a specific Council policy with regard to the 'pepper-potting' of affordable homes across a development, and given the modest size of this site, their location is considered acceptable. Moreover, in their appearance, they would be indistinguishable from the market homes.

10.12 The Council's Strategic Housing Officer advises that there is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a less but still significant need for 1 and 2 bedroomed properties. Rates of home ownership are low compared to other areas within Kirklees at 60%. It is estimated that 20% of homes are rented privately and affordable housing constitutes the remaining 20%.

10.13 Consequently, the provision of housing development comprising both two and three bedroom units, a fifth of which would be affordable, is therefore welcomed and it will directly assist with the housing needs within the area. It would also comply fully with the requirements of Policy LP11.

Density, layout and design

10.14 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. In relation to housing density, it states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. It advises that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.

10.15 In this case, based on the entire site area of 2.2ha, the density of development would be 31 dwellings per hectare (dph). Whilst this would clearly be less than 35dph, there are specific circumstances in this case to justify a lower number. The application was originally submitted at 74 dwellings (33.6dph) and then revised to 72 dwellings (32.7dph) and subsequently to 68 (31dph); these latest revisions being principally necessitated by a need to protect the living conditions of future and existing occupiers, as detailed in the report below. The development of the site for 68 dwellings addresses that matter and also, allows for the provision of some on-site open space and a bio-diversity off-set area. Additionally, the character of the surrounding area largely comprises semi-detached and detached dwellings set within generous plots that typically have a much lower density. Consequently, taking into account the site constraints and the existing context, a density of 31 dwellings per hectare is acceptable in this instance and it is consistent with the indicative site allocation capacity.

10.16 With regard to site layout, Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary in order to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, the risk of crime is minimised by enhanced security and the promotion of well-defined routes, overlooked streets and places, It also advises that the needs of different users should be met and any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks.

- 10.17 The layout of the houses and the open space has largely been determined by the natural features of the site, with particular regard to its topography and existing tree planting. The latter prompted the location of the open space at the northern end of the development, adjacent to Whitegates Grove. The creation of the POS enables the protection of the mature/TPO trees along the northern boundary and also allows for a footpath connection from the site onto the road, and onto the existing public footpath network.
- 10.18 A second area of open space would be positioned more centrally within the site, along the rear boundary and visible at the entrance into the development. Whilst consideration was given to locating the POS in one area and positioned along the site frontage, to provide a buffer between the dwellings and Penistone Road, this was deemed unfeasible. Due to the existing slope, the central part of the site where the main POS is proposed would be unsuitable and unviable for housing because it would require extensive and expensive retaining structures along the railway embankment. It would also be likely to result in limited and dark rear gardens. It can, however, accommodate an area of open space that is large enough for a LEAP. Whilst concerns have been raised that the POS is sited away from the more densely populated southern end of the site, it would be approximately 166 metres to the southern end of the site and approximately 220 metres to the furthest houses. At a steady walking pace of 3 miles per hour, this would equate to a very approximate walking time of 3-4 minutes along a safe route within the site, which is not considered unreasonable. Furthermore, the POS would be well-overlooked and it would provide a softer landscaped approach into the site, particularly when combined with the smaller area of open space immediately adjacent to the site access.
- 10.19 A further area of green space would be a site of ecological set-aside (detailed in the report below) on the southern boundary. This would provide an appropriate buffer between the development and the existing occupiers on Woodsome Drive. Details of this area, in terms of planting, boundary treatment and management will be secured by condition.
- 10.20 The position of the dwellings is principally a consequence of topography as both the access road and, therefore the houses, broadly follow the gradient of the land, running in bands on a north-south alignment. It is acknowledged that the layout appears uniform as a consequence of the sole use of a semi-detached house type. This is, to some extent, a contrast to the surrounding area, which has developed more organically and includes some more individually designed properties on Whitegates Grove and Woodsome Drive, and larger properties generally. However, apart from Whitegates Grove, there is still uniformity amongst existing dwellings locally. This includes the layout and appearance of houses on Clough Way, albeit detached, and the space and form of the semi-detached dwellings, albeit larger than average, on Penistone Road. Furthermore, whilst this development would effectively constitute an infill along Penistone Road, surrounded by existing residential development to the south, west and north, it is a relatively contained site with clear boundaries to its perimeter. From Penistone Road, the uniformity would be further softened by planting along the site frontage, in addition to the glimpsed open space. For these reasons, the layout of the development is considered acceptable in this instance in accordance with Policy LP24.
- 10.21 Architecturally, the appearance of the dwellings has been revised in the course of the planning application. The applicant was requested to introduce further detailing to reflect and enhance the townscape character. The curved bay

windows of the houses further along Penistone Road were identified as being fairly distinctive within the locality, along with features such as window reveals and gable detailing. It was considered that the introduction of such details, in addition to stone cills and lintels and larger window proportions, would help to establish character and provide some visual relief to the elevations. There would effectively be two house types; one detailed with a curved ground floor bay window, principally along the main road frontage, and the other without. Details of window reveals depths and fenestration treatment would be secured by planning condition.

10.22 Materials would also provide some further visual interest. The materials currently evident in the locality are mixed. They include natural stone to dwellings on Penistone Road to the south of the site and to dwellings on Clough Way, red brick and render on the houses to the north, stone and render on Whitegates Grove and brick and render on Woodsome Drive. The application form indicates the use of reconstituted stone and render and grey concrete roof tiles. The use of render of specific plots is acceptable in principle given its use locally. With regard to re-constituted stone, whilst stone used on surrounding houses is mostly natural, the suitability or otherwise of an artificial stone would depend upon the quality of the material selected, the size of the stone units and the way the elevations are constructed e.g. regular course or random coursing. The details of materials (including the construction of a sample panel on site) can therefore be secured by means of a planning condition.

10.23 Taking all these factors into account, and subject to relevant planning conditions, it is considered that the density, layout and design of the proposed development would achieve a sufficiently good design in accordance with KLP Policies LP7 and LP24.

Open space, landscape and bio-diversity

10.24 Policy LP47 of the KLP refers to healthy, active and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being. More specifically, Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant.

10.25 In this case, the proposal incorporates two areas of POS within the development. These are appropriately sited for the reasons set out in the report above and accessible to both existing residents and future occupiers. They are considered to be sufficient in size in terms of achieving a balance between POS and residential density. However, having been assessed against the Council's open space standards, there would be a slight shortfall in natural and semi-natural green space and a lack of allotments/community growing space. This necessitates a contribution of £32,244 towards off-site open space to be secured through a S106 Legal Agreement.

10.26 Policy LP32 of the KLP sets out the requirement for proposals to be designed to take into account and seek to enhance the landscape character of the area and to have consideration to matters such as the patterns of woodlands, trees and field boundaries. In this case, the existing stone wall boundary to the front

of the site would be largely retained and repaired (except when new openings need to be created). Furthermore, new areas of planting would be incorporated behind it along part of the frontage as well as new tree planting both within the areas of POS and where opportunities existing along the street and within front gardens to create a development that would be sympathetic to the mature gardens that exist to neighbouring properties. A detailed landscape scheme to include matters such as plant species, planting density and street planting details will be secured by means of a planning condition. On this basis, the proposal is considered to comply with Policy LP32.

- 10.27 The Arboricultural Impact Assessment submitted by the applicant identifies that nine trees within the red line site boundary would need to be removed to accommodate the new development. These comprise 8 trees along the site frontage and one tree that sits within the centre of the site (7 x Ash, 1 x Oak and 1 x Elder). The majority are identified as Category C2 (Low quality/landscape value) with the Oak categorised as B2 (Moderate quality/landscape value). All other trees either on the site, or adjacent to it, would be retained and protected utilising suitable tree protection measures, which will be secured by an appropriate planning condition.
- 10.28 Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.
- 10.29 In this case, the application does indicate the inclusion of replacement tree planting throughout the site to mitigate for the loss in numbers in excess of the trees that would need to be felled. The details of species and size will be secured by condition. The Council's Tree Officer has assessed the arboricultural and landscape information that has been provided in support of the application and advises that there are no objections to the proposal subject to the imposition of relevant planning conditions. On this basis, the proposal is considered to be compliant with Policy LP33.
- 10.30 With regard to bio-diversity, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.31 The applicant submitted a Preliminary Ecological Appraisal with the application. This report originated in November 2018 following the initial pre-application enquiry for 80 dwellings on the site. It confirmed that there are no statutory wildlife sites within 2km but there are some designated sites within this radii. The closest is the Lepton Great Wood Local Wildlife Site approximately 650m to the east. It also notes that the disused railway corridor to the eastern boundary offers an excellent green corridor connecting the land to Lepton Great Wood. The PEA identifies that the majority of the site is arable but other habitats

within or adjoining the site include semi-natural broad leaved woodland on the western site of the field along the former railway corridor, scattered trees to the northern and western boundaries, some scrub and areas of hedgerow.

- 10.32 In terms of impact and mitigation, the PEA acknowledges the loss of the arable field but considers it to be compensated by the creation of areas of POS seeded with a mixed grassland seed mix. This would provide cover for invertebrates and, as a result, foraging for a variety of bird species. The semi-natural Broad Leaved Woodland is effectively retained and the trees to be lost are to be compensated with new planting, which should incorporate species that would maximise flowering, pollen/nectar production and/or berries/fruit production to benefit invertebrates, birds and small mammals. The hedgerow is also to be retained. The PEA does acknowledge that the existing site has the suitability to support foraging of various species including hedgehogs, birds and bat but new garden habitats and measures such as bird and bat boxes, hedgehog gaps in fencing etc. can mitigate and continue to support these species within the development.
- 10.33 In response to the PEA, the Council's Ecologist requested further information on the potential impacts to reptiles and measures to mitigate these and an Ecological Impact Assessment (EclA) informed by the current development proposals, as well as a requirement to achieve 10% bio-diversity Net Gain. Whilst a net gain was considered unlikely, it was suggested that it could be feasible with the inclusion of new ecologically valuable habitats, which would strengthen links to the Kirklees Wildlife Habitat Network. Further reptile surveys were submitted and considered acceptable by the Council's Ecologist. Subsequently, a further assessment of a pond sited approximately 130m from the development was submitted as well as the requested Ecological Impact Assessment and a Net Gain calculation. With regard to the latter, this concludes that a 10% on-site net gain is unlikely to be achievable but this would be mitigated by an off-site contribution to be spent in the locality. The applicant has subsequently confirmed that the off-site compensation area would be an arable (cereal crop) field located to the west of Penistone Road, which lies adjacent the site on its western boundary. It is a section of the existing arable field that joins the Fenay Beck corridor and its habitat is currently of very limited ecological value. The aim would be to generate a mosaic of high quality, diverse mixed scrub pockets interspersed with neutral grassland glades of varying sizes. This will be complimented further by the creation of a pond in an area of arable land (cereal crop) which is currently subject to waterlogging. The details would be secured by condition.
- 10.34 Subject to the bio-diversity matters being satisfactorily resolved, and subject to relevant provisions within the S106 Legal Agreement and conditions, the proposal would be acceptable with regard to open space, landscape and bio-diversity in accordance with KLP Policies LP32, LP33 and LP47.

Living conditions of existing and future occupiers

- 10.35 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework, which advises at (f) that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Moreover, the Council's Draft Housebuilders Design Guide, to which moderate weight can be attached, advises that the space

between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings. It sets minimum *advisory* separation distances including 21 metres between facing windows of habitable rooms at the backs of dwellings and 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. It also advises that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

10.36 With regard to future users within the site, acceptable distances are provided between the proposed properties (approximately 20-21m back to back). Each dwelling would also have a private front and rear garden proportionate to the size of the dwelling. All of the proposed houses would also benefit from dual aspect, and would therefore have adequate outlook, privacy and natural light.

10.37 The proposal has also been considered against the Government's Nationally Described Space Standards (NDSS) (March 2015) as detailed below. NDSS is the Government's clearest statement on what constitutes adequately-sized units. Consequently, in the context of Policy LP24, it is relevant to consider whether the dwellings would be of a sufficient size in the interest of residential amenity for future occupiers.

10.38 The NDSS minimum gross internal floor areas (GIA) are based upon the number of bedrooms within the house overall at a defined level of occupancy. For this reason, each unit size standard is sub-divided into categories based upon the number of bed spaces (persons) and also, whether it would be a 1, 2 or 3 storey dwelling. However, the guidance also confirms that relating internal space to the number of bed spaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose. In this instance, where there is presently no local plan policy, the minimum standard within the NDSS for a 2 and 3 bed unit has therefore been applied in this assessment as follows:

House Type	Bedrooms	NDSS m ²	Proposed m ²	Met
01	2	70	68.8	✘
01A	2	70	68.8	✘
02	3	84	88.7	✓
02R	3	84	88.7	✓

The 2 bedroom units are approximately 2m² below the NDSS and the 3 bedroom units meet the minimum NDSS for a 3 bedroom unit. So, 68% would meet the NDSS whilst 32% of the units would not by 2m².

10.39 However, whilst the NDSS provide useful guidance, which the applicant has been strongly encouraged to meet or exceed, they are not currently adopted in the Kirklees Local Plan. Furthermore, the 2 bedroom units are only just below the minimum standard and the layout plan indicates a kitchen/diner area in addition to a living room and separate WC on the ground floor with 2 bedrooms and a full bathroom upstairs. Taking into account that the NDSS is currently guidance, overall, it is considered that these houses would deliver a sufficient quality of living accommodation for future residents in accordance with LP24.

- 10.40 The relationship to existing occupiers has also been considered at length in the course of the application. The reduction in the number of dwellings to 68 was in direct response to the relationship of the development with 9 Woodsome Drive. No 9 is constructed close to the southern boundary of the site with windows directly overlooking the site at a distance of approximately 1m to the boundary. The Covid pandemic had precluded an internal inspection of No 9 to determine whether these windows provided a primary or secondary aspect until early September 2020. Following that site visit, it was clear that the side elevation to their property included windows to their kitchen and lounge and they were the sole windows to these rooms. These would have almost directly faced the rear elevation of a new dwelling at approximately 12-12.5m, which was considered to be a harmful relationship in terms of privacy and outlook. There were also concerns about overlooking of the proposed dwellings from the terrace of No 9.
- 10.41 As a result, the applicant revised the scheme to remove 4 dwellings from the proposal overall. It omitted the pair of houses previously situated in front of No 9 and replaced a terrace of 4 dwellings with a semi-detached pair of houses on the site frontage (Plots 39 and 40). Of these, the closest to No 9 would be Unit 40 at a distance of 18m and at oblique angle. To the north-east, the rear elevation of Plot 38 would be approximately 13m from the nearest corner of No.9 and again at an oblique angle. The Council do not set any standards with regard to minimum oblique angles and, in fact, the Council's Draft Housebuilders Design Guide suggests that the angle of facing elevations and the orientation of buildings can be a creative design solution that allows for reduced distances between buildings. It is considered that the oblique angle would ensure that there is no direct overlooking and the relationship between No.9 and the proposed dwellings is considered to be acceptable. Moreover, an ecological set-aside area would be introduced immediately adjacent to Nos. 9 and 11 Woodsome Drive. This would be fenced off to allow a natural space to promote bio-diversity, the details of which would be secured by condition and provide a comfortable buffer between the development and these existing houses. The revised layout does result in off-plot parking for 4 houses (Plots 36-37 and Plots 39-40). Whilst not ideal, they are, however, in close proximity and well-overlooked.
- 10.42 The proposed development would also adjoin the flank boundary of 12 Woodsome Drive. This dwelling appears to incorporate a bedroom window at 1st floor level within the flank elevation and a secondary living room window and glazing to a conservatory/sitting room at ground floor level looking towards the site. The flank elevation of No.12 is set further in from the boundary in comparison to No 9 and the distance between this elevation and the rear elevation of the nearest new property is estimated at approximately 16.5m. Whilst the bedroom window is below the advisory 21m within the Draft Housebuilders Design Guide, there is an established row of mature cypress trees within the garden of No 12 of approximately 10m in height that would provide screening between this existing house and the proposed dwellings.
- 10.43 Additionally, the new dwellings within the application site would be constructed at a lower level than the existing ground levels. Due to the level changes across the site, it would be subject to excavation, particularly in the south-east corner. The boundary level with No 12 would remain as existing at approximately 95-96 AOD whilst the finished floor level of the properties at Plots 34 and 35 (the closest to No 12) would be between 91.6 and 92.5 AOD. The final level details will be secured by condition but in principle, these factors combined are

considered sufficient to ensure an appropriate relationship between No 12 and the new houses.

- 10.44 Further existing residential properties lie to the rear of the site on Whitegates Grove and Clough Way. These houses are typically detached with generous front gardens. They are further separated from the application site by the road(s) in front of them and the former railway line to provide a comfortable distance to the development. They are also positioned on a higher level. Whilst levels vary across the application site, the finished floor levels of the proposed houses towards the rear eastern boundary of the site would alter between 87.4 AOD (Plot 16), 89.5 AOD (Plots 17-18), 91.9 (Plot 27) and up to 94.4 AOD (Plot 33). The height of the retaining wall along the eastern boundary also varies slightly across the site between circa 91.4AOD (northern end) and 98.3 AOD (southern end). In broad terms, the top of the retaining wall would be more or less at the eaves height of the new dwellings. The floor level of the existing properties to the east are positioned at a slightly higher level to this retaining structure. Consequently, the existing houses would broadly overlook the roofs of the proposed dwellings. Given this relationship and the separation between them, it is considered that the proposal would not be detrimental to the living conditions of these existing houses by virtue of being either over-bearing or as a result of overlooking/loss of privacy.
- 10.45 A specific concern has been raised by an adjoining occupier to the east of the site about headlamp glare. This matter was considered by the Council's Environmental Health Officer who was of the view that as a result of the level change between the site and the properties to the east, headlamp glare would be unlikely to have any significant impact on these existing residents. In addition, the impact of headlamp glare would nearly always be momentary and it would only happen when vehicles are moved during dark hours. Even if properties were to experience such an issue momentarily, it would be unlikely to be so problematic as to warrant refusal of permission.
- 10.46 Having regard to all matters above, it is considered that the proposal would provide satisfactory living conditions for future occupiers and sufficiently protect those of existing occupiers. It would therefore comply with Policy LP24 of the KLP and guidance within the Framework.

Highways and transportation issues

- 10.47 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. This reflects guidance within the National Planning Policy Framework (the Framework), which states at Paragraph 108 that in assessing application for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.48 The applicant submitted a Transport Assessment to support the application. This included an assessment of the site and surrounding area, including the relationship to the existing network, traffic data and road collision data between

the junction of Whitegates Grove and Woodsome Road over a 5-year period. The latter did highlight the main cause of accidents on the local network to be associated with right turning vehicles, which are typically the most common type of incident at priority junctions on busy urban roads. In the locality it appears that restricted visibility from existing junctions is likely to have contributed to these incidents.

- 10.49 The application proposes the construction of a priority junction with right turn ghost island. This has been subject to a Road Safety Audit. The ghost island right turn lane would provide harbourage for right turning inbound vehicles. This would include a 2.5m wide right turn lane, which is consistent with the existing right turn lanes provided for the Whitegates Grove and Rowley Lane junctions to the north and south respectively. The existing southbound bus stop would be relocated approximately 110m to the south, to ensure that a stationary bus does not adversely affect visibility at the site access.
- 10.50 The initial section of the site access road would be a traditional residential estate road with a 5.5m wide carriageway and 2m wide footways on both sides. Within the site, the road hierarchy would change to a shared surface arrangement. This would include a 5.5m wide carriageway, a 0.6m margin on one side of the carriageway and a 2.0m wide utility/pedestrian route on the other. The design speed of the internal roads would be 15mph. Visibility splays of 2.4x120m would be provided at the site access, in accordance with the 40mph speed limit on Penistone Road and guidance contained in the Design Manual for Roads and Bridges (DMRB).
- 10.51 With regard to traffic generation, based upon the development of 74 dwellings as originally submitted, development trips would have been 59 two-way trips in the AM peak (12 in and 47 out) and 59 in the PM peak (47 in and 12 out). It would be slightly less as a result of the reduction of total dwellings to 68. In considering the impact of this proposal on the highway network, consideration has been given to the existing traffic situation and to committed development traffic, including from the other allocated sites in Lepton (HS2 and HS3). A junction capacity assessment on the site access junction was undertaken using standardised modelling software (PICADY), which concluded that it would operate adequately, with minimal queuing on either the site access or within the right turn ghost island.
- 10.52 The Council's Highways Development Management Officer has considered the application and supporting TA and advised that in summary, the traffic generation associated with this application of 59 two-way movements in the AM and PM peak periods respectively would be acceptable in principle given the existing base flows on Penistone Road of circa 1400 and 1600 two way movements in AM and PM peak periods respectively. However, further information was requested in the form of appropriate assignment and distribution diagrams to enable a more informed assessment.
- 10.53 The Council's HDM Team have reviewed the additional information submitted by the applicant. With regard to the assignment and distribution of committed development traffic, this relates principally to HS2 and HS3. It was agreed at local plan examination and assumed that 50% of the site traffic from these developments would pass this site on the A629 Penistone Road. Based on this assumption, the forecast for committed development traffic passing the site access are 240 two way vehicle movements during the AM and PM peak periods respectively. Inputting this data into the PICADY output model, it

indicates that the site access can operate well within capacity in terms of its proposed arrangement, taking into account existing base flows and committed development traffic. It is therefore considered acceptable in terms of traffic generation onto the existing network. It is also confirmed that an independent stage 1 safety audit and designers response has been provided as requested.

- 10.54 With regard to the internal access road, Highways DM initially advised that a loop road should be provided. However, following clarification from the applicant that such a layout would require the introduction of extensive retaining walls, which would be both unsightly and expensive, the current highway layout has been accepted.
- 10.54 In terms of the level of car parking, the Local Plan Kirklees Council no longer provides car parking standards. Whilst the Highways Design Guide SPD (guidance) notes that 2-3 bedroom dwellings should provide a minimum of two-off street car parking spaces and notes that in most circumstances, one visitor space per 4 dwellings is considered appropriate, Policy LP22 establishes that parking requirements for new developments should be evidence based within the planning application submission.
- 10.55 In this case, 2 of the 68 properties are provided with one parking space. These are 2-bedroom dwellings. The remainder of dwellings have two off-street spaces. However, there would be 21 visitor spaces compared to the 17 space that would comply with the 1:4 ratio within the Design Guide. On the basis that the Council does not have adopted parking standards, whilst the proposed parking levels for 2 units are below guidance in the Highways Design Guide, a refusal on this ground could not be substantiated, particularly as the application would also include a Travel Plan and a contribution to a sustainable travel fund to reduce reliance on the private car. The overall conclusion is that the proposed development is acceptable from a highways perspective.
- 10.56 Consideration has also been given to the sustainability/accessibility of the development. It is clearly an allocated site and as such, it forms part of the Council's spatial strategy for development across the district. Moreover, it would be equally sustainable to the residential development that surrounds it, becoming part of the existing settlement of Lepton.
- 10.57 The pedestrian opening towards the southern end of the site onto Penistone Road would provide pedestrians with a more direct walking route to Lepton Village. The Post Office in Lepton would be approximately 0.8 miles in distance (circa 20 minute walk). This is comfortably within the 2k preferred maximum walking distance (24 mins) identified within the Institute of Highways and Transportation publication 'Providing for Journeys on Foot'. Rowley Lane Junior and Infant School would be approximately a 0.5 mile walk (13 mins). The nearest supermarket would be Morrisons at Waterloo; this would be approximately 1.2 miles away (23 minute walk) whilst also accessible by bus. The Yorkshire Tiger Bus Company serves the site on two bus routes – the 84 (Huddersfield to Denby Dale) and 233 (Huddersfield to Denby Dale via Skelmanthorpe and Clayton West). The 84 is broadly a two hourly daytime service Monday to Saturday whilst the 233 is roughly a half-hourly service Monday to Saturday (morning to circa 11pm) and an hourly service on Sundays. It is therefore reasonably well serviced by means other than the private car and this would be supported by contributions sought to encourage sustainable travel, including an upgrade to the nearest bus stop and a package of sustainable travel measures. This would include a contribution towards

sustainable travel incentives and in this case, a contribution of £37,851.00. This equates to bus only Residential Metro Cards. These measures would be secured through the S106 Agreement and spent in agreement with Ward Members at the appropriate stage of development.

- 10.58 It is recognised that the disused railway line to the rear of the site is identified within the KLP as part of a core walking and cycling network. Policy LP23 of the KLP advises that they provide an opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. Proposals should seek to integrate into existing and proposed cycling and walking routes by providing connecting links where appropriate. This has been fully explored in the course of this planning application in terms of providing a direct link from the site onto the former railway line. However, the railway embankment and line are in separate private ownership and the steepness of the railway banking made it unfeasible to provide a direction connection from the POS within the site onto this route. Consequently, a pedestrian route was incorporated within the POS to the northern end of the site, from where the railway line would also be accessible in the event that it could be brought forward as a public bridleway/cycling route in the future. Consideration was also given to securing a contribution towards this route. However, at this stage, given that it remains in private ownership without a clear strategy to bring it forward as a walking and cycling route, a contribution could not be justified at this point in time.
- 10.59 For the reasons set out above, and subject to the imposition of appropriate planning conditions and measures secured through the S106 Legal Agreement, the development is considered to sufficiently accommodate sustainable modes of transport and be accessed effectively and safely by all users in accordance with Policy LP24 of the KLP and guidance within the Framework.

Flood Risk and drainage

- 10.60 Guidance with the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 10.61 In this case, the site lies within Flood Zone 1, which is identified by the Environment Agency to be at a low risk of flooding. This means it has been shown to be at less than 0.1% chance of flooding in any year – or a 1:1000 year chance. National Planning Practice Guidance on Flood Risk confirms that residential development is a ‘more vulnerable’ use that is compatible in flood zone 1 and no further assessment (such as the Sequential or Exception Tests) is required. Nevertheless, the FRA submitted with the application does identify specific mitigation measures to ensure that it does not result in flooding elsewhere. These include footways to be constructed to naturally fall towards and into garden/green areas to encourage the informal percolation of surface water runoff from these areas, External surfaces to fall away from properties

and properties to have a finished floor level higher than development carriageway levels.

- 10.62 With regard to drainage, the initial proposals included a pumping station for the discharge of foul and surface water. The LLFA objected to that proposal and requested a revised drainage strategy and consideration of surface water flood risk.
- 10.63 The revised strategy confirms that the site is currently not positively drained, being a Greenfield site. It states that the site is underlain by Pennine Lower Coal Measures Formation, which is basically mudstone that is generally characterised as being low permeability. The site is on a steep slope with many retaining walls at changes in levels, which may be impacted by infiltration techniques. Therefore, the option of surface water disposal via a soakaway or other forms of infiltration techniques are not considered suitable for this site. The surface water discharge option is therefore to outfall to a nearby watercourse. The nearest watercourse to the site is an ordinary watercourse located to the north east. This watercourse discharges to Fenay Beck. Foul water from the residential development would be drained by a separate foul water drainage system. Maintenance would be required of the conventional piped network and also of the SuDS. For the conventional piped system, access for maintenance and inspection would be provided and the pipework would be laid to achieve self-cleansing velocities. Occupiers would be responsible for their own private drainage and Yorkshire Water for adopted sewers.
- 10.64 The LLFA have confirmed that they can support the proposal subject to conditions. It is advised that a gravity outfall has been achieved and an indicative drainage drawing using a conservative discharge rate has demonstrated that an attenuation tank can be accommodated. It will be necessary for further details to firmly establish a suitable discharge rate and detailed drainage designs will therefore be sought by condition.
- 10.65 For the reasons set out above, and subject to the imposition of appropriate planning conditions, the proposal is considered to be acceptable with regard to flood risk and drainage in accordance with KLP Policies LP27 and LP28.

Environmental health considerations

- 10.66 The applicant submitted both a Noise Impact Assessment and Air Quality Impact Assessment (AQIA) to support the development proposal. In this context, Policy LP51 relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Policy LP52 relates to the protection and improvement of environmental quality and states, amongst other matters, that proposals which have the potential to increase pollution from noise etc. must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.67 The AQIA was revised in the course of the planning application in response to comments from the Council's Air Quality Officer to the original report. Further details were requested with regard to modelling approaches and information

regarding the cumulative impact that other local developments would have on future traffic data and resulting air pollution concentrations at the receptors of the proposed development. The revised AQIA considers both the construction and operational phase of development. In relation to the former, it concludes that whilst the likely impact of dust and PM10 are negligible, mitigation measures would be applicable for a low to medium risk site. These would include monitoring and on-site management (e.g. screens or barriers around dust activities), which can be secured by condition. With regard to the development itself, in terms of introducing new exposure, predicted NO₂ and PM10 concentrations would be below the relevant air quality objectives.

- 10.68 The Council's Air Quality Officer has considered the revised submission. The methodology and approach, and the recalculated verification factor, is accepted. Environmental Health are satisfied that the modelling results indicate that the pollution levels will not be exceeded at sensitive receptor locations within the site and are below the national objectives. Overall, they concur with the conclusions of the report that the NO₂ and PM¹⁰ concentrations will not be exceeded, and although no mitigation measures are required for the operational phase, they do expect the best practice mitigation measures to be implemented throughout the construction phase so as not to impact the existing air quality in that location. Overall, Environmental Health accept the Air Quality Assessment and confirm that conditions regarding Air Quality are not necessary. The application is therefore considered to comply with Policy LP51.
- 10.69 The originally submitted Noise Assessment advised that the main source of noise affecting the site would be from road traffic on Penistone Road. From these measurements, and based on the proposed site layout, the report determines that the predicted noise levels across most of the site would result in target indoor and outdoor sound levels being exceeded. It therefore proposes a range of mitigation measures, such as an acoustic specification of the glazing and trickle ventilation. The Assessment also confirmed that some of the outdoor amenity areas may be subject to higher noise levels where it may not be practical to achieve less than 55dB across the site, particularly plots close to Penistone Road.
- 10.70 The Council's Environmental Health Officer advised that the report made an acceptable assessment of the ambient noise levels across the site and made satisfactory proposals for the acoustic specification for the glazing and trickle ventilators. However, a number of specific shortfalls were identified. These included the acoustic specification of the roof structure and upper floor ceilings, noise mitigation measures for external amenity areas that are predicted to be subjected to levels of 55dB or less (with 50dB being desirable) and a lack of detail about which facades of which plots (if any) will be able to achieve satisfactory indoor sound levels even with windows open.
- 10.71 This was addressed within a revised Noise Impact Assessment. This report provides an acoustic specification of the roof and confirms that a traditional roof utilising exterior tiles on a timber frame with mineral wool insulation in the void and a 25mm plasterboard ceiling would provide adequate noise control. It states that the use of opening windows is expected to be acceptable for short term use on the basis that the effect of increased internal noise levels would be expected by the occupant. With regard to external spaces, the report cites the British Standard, which states that in traditional external areas that are used for amenity space, such as gardens or patios, it is desirable that the external noise level does not exceed 50dB, with an upper guideline value of 55dB. It

acknowledges, however, that these guideline values are not always achievable, particularly adjoining strategic transport networks. Consequently, the report confirms that it would not be practically possible to achieve noise levels of <55 dB LAeq, across the site, particularly in areas close to Penistone Road. In the gardens of the worst affected properties, (Plots 1-10 and 43 and 44), with 2-metre fencing, the noise is predicted to be in the region of 60 dB LAeq,16hr. It is therefore acknowledged that gardens along the frontage will exceed the recommended dB values, albeit that fencing (to be conditioned) would provide some mitigation.

- 10.72 The Council's Environmental Health Officer advises that because the outdoor amenity areas of a number of plots would be exposed to very high noise levels, which cannot be effectively mitigated against, Environmental Health cannot support the application with the proposed layout that places outdoor amenity areas immediately adjacent to Penistone Road. Whilst this does weigh against the proposal, because the layout is a consequence of other factors such as topography, as noted above, it is not practical to secure a layout that will not expose the gardens of some properties to higher noise levels than might be desirable. As set out above, these levels are not always achievable. Furthermore, the Environmental Health Officer does recommend conditions should the application be approved, including details of some form of acoustic barrier to the gardens. This will provide some mitigation to these outside amenity areas. Overall, it is considered that the application has provided evidence to show that the noise impact have been evaluated and measures have been incorporated to prevent or reduce the pollution as far as practicable. With the introduction of some form of acoustic barrier it is considered that the proposal would not reduce the quality of life and well-being of future occupiers to an unacceptable level to the extent that a refusal could be justified. It would therefore, on balance, comply with Policy LP52.

Heritage

- 10.73 Policy LP35 of the KLP 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. This reflects the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which requires the local planning authority to 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.
- 10.74 A site constraint identified within the KLP in relation to HS1 is that it is close to an area of archaeological interest. This appears to relate generally to known Iron Age and Romano British activity in the locality as well as evidence of medieval settlements nearby. However, these areas of archaeological interest are not within the site. Consequently, a pre-determination archaeological evaluation was not considered necessary and it will be secured by means of a planning condition.
- 10.75 Concerns have also been raised as part of the consultation exercise with regard to the effect of the proposal on the setting of Castle Hill, which is Listed (Victoria Tower) and a Scheduled Monument. The supporting text to Policy LP35 within the KLP advises that development proposals will be expected to take into

account the Council's Castle Hill Setting Study when considering potential impacts on this designated heritage asset. The Setting Study was undertaken in 2016 as part of the Local Plan allocations and future development management functions.

- 10.76 The allocation is within the 10km buffer zone for the area of study for Castle Hill. However, it is not on a significant ridgeline nor on critical or high importance undeveloped land, as described within the setting study. Furthermore, Paragraph 6.18 of the Setting Study advises that where development is located within or immediately adjacent to areas of existing urban development, and is not out of scale with the design of surrounding existing buildings, the impact on the setting of Castle Hill will not be substantial. Similarly, where such development does not lie on a ridgeline, and would therefore not alter the character of views to and from the hilltop across such ridgelines, or challenge Castle Hill's prominence within the landscape, there is low risk of harm to setting.
- 10.77 It is therefore considered that the proposal would not harm the setting of Castle Hill. This is further confirmed by the fact that the setting of Castle Hill was fully considered through the local plan process and it is not identified as either a constraint or an 'other site consideration' within the KLP. For these reasons, the development of the application site is considered acceptable and the significance of Castle Hill as a heritage asset would be preserved. It is therefore in accordance with Policy LP35.

Ground conditions

- 10.78 The application is supported by a Site Investigation Report. This advises that the site has not been previously developed but it considers potential risks from possible shallow and deeper coal mining in the vicinity. An intrusive site investigation involving ground gas monitoring and analysis of soil samples found no evidence of coal workings and significant contamination risks. The report concludes that the site is suitable for the proposed use without the need for remediation.
- 10.79 The Council's Environmental Health Officer confirms that the reports are considered to be satisfactory and concur with the conclusions and recommendations. It is acknowledged that unexpected contamination does remain a possibility and an appropriate condition is recommended.
- 10.80 The Coal Authority have also considered the application. They confirm that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Based on the findings of the site investigations submitted with the application, the report identifies that no coal was encountered within three sample boreholes. As these failed to encounter the presence of any coal seams, the risk from former coal mine workings is considered to be low and no further assessments are considered necessary. The Coal Authority consider the findings of the assessment to be acceptable and they have no objection to the proposed development. The proposal is therefore acceptable with regard to ground conditions.

Climate change

- 10.81 The application includes the submission of an Energy and Sustainability Statement, in response to the presumption in favour of sustainable development with the Framework, which includes guidance on minimising CO₂ emissions and reducing greenhouse gas emissions.
- 10.82 The statement confirms that a fabric-first approach has been adopted for the development. This means ensuring minimal heat loss through fabric, thermal bridging and air infiltration. The calculations on building fabric indicate that the houses would meet and, in some areas, represent a betterment of mandatory requirements set out in the current Building Regulations, particularly with regard to party wall and roof U-values (a measure of thermal transmittance and a mark of insulation). Space heating and domestic hot water (DHW) will be provided by a high efficiency gas boiler installed to each dwelling and Low energy lighting will be specified throughout. Water efficient fittings such as flow restrictors and water efficient appliances will also be used to minimise water consumption. Overall, the development would achieve a 5.5% CO₂ saving and 8.4% reduction in energy consumption against a 2013 compliant Part L baseline.
- 10.83 With regard to building materials, consideration will be given to the life cycle and will be specified through the development contract to have a low embodied impact. Furthermore, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. Adequate provision for cyclists (cycle storage for residents), electric vehicle charging points, and other measures would be secured by condition or via a Section 106 agreement, should planning permission be granted. Taken together, these measures shown that within the current regulations and standards, consideration has been given to the impact of the development on climate change.

Response to representations

- 10.84 The majority of representations have been addressed in the report above. However, the following provides a response to specific points.

Highway and Transport Issues

- 10.85 The concerns relating to pertained traffic problems on Penistone Road, access arrangements for the application site and its accessibility are addressed in the report above. In response to specific highway and transport issues, the following is advised:
- Given the increase in traffic volumes and mindful of the need to ensure cyclists' safety, are there any plans to create a cycle lane for each direction of the A629 Penistone Road and what impact would this have on the width of the road and the flow of vehicular traffic?
Response: There are no current plans to create a cycle land on the A629.
 - The bus services are provided by just one Bus Company. What happens if the firm goes out of business or they decide to stop running a route or makes a significant change to its timetable (such as stopping all Sunday services). What provision is there for people who work unusual hours, particularly at night time?

Response: This application must be determined on current circumstances and cannot reasonably be based upon future probabilities as to whether or not a bus company will run or future timetabling. The potential for additional passengers arising from this development, should, however, provide some benefit to bus companies in boosting passenger numbers overall.

- The applicants report states that the pavement (which is currently only on one side of the road, with just a very narrow grass verge on the other side) is 1.7m wide. This is challenged as this is the widest point but it reduces down to 1.1m.

Response: Measurements taken from google earth indicate that the pavement is circa 1.6-1.7m wide but it is appreciated that it may vary in width along the length of Penistone Road, depending on the point of measurement. Nevertheless, it is still the case that a pavement of reasonable width is provided on one side of Penistone Road adjacent to the site.

- Stonewater advertise that they will rent properties to persons as young as 16. Therefore, there's a risk that this development will be occupied largely by young adults in the age group 17-24. Should those tenants have vehicles / access to vehicles that means a high-risk junction will be negotiated several times on a daily basis, by drivers who statistically carry the highest proportion of risk on UK roads?

Response: The future occupation of the dwellings and the driving ability of the occupants is not a matter planning consideration. Furthermore, the access and estate road have been designed with regard to highway safety standards.

- The width of Penistone Road is not 8.7m as stated – it varies. Measured at 8.19m just beyond the access junction outbound to Whitegates. The central hatching was 1.51m and not 2.5m wide.

Response: The applicant's Highways Consultation has responded to confirm that the road width varies and is narrower in places, including narrower hatching. However, the important width is where the applicant is proposing to introduce the right turn lane. They have checked the width on the topographical survey at a distance of every 10m along the proposed right turn lane. They confirm that the width is between 8.7-8.8m as quoted. Therefore, 3m running lanes and a 2.5m right turn lane is possible at the site access.

- The plans provide for a 2.5m ghost lane to hold up to 7 vehicles but if the width of the road varies, the road lanes will be severely restricted.

Response: As above.

- Disparity between distances in report and those provided by 'googling them' in terms of distance to shops/services etc.

Reason: A concern had been raised about certain distances e.g. to Morrisons. Whitegates Grove to Morrison is 2km. The applicant responded to advise that whilst it may be 2km if you walked along the road, there is a footpath into Morrison's from the south that reduces the distance to circa 1.5km. These distances will therefore depend on the exact start and finish points but provide a broad indication of accessibility nonetheless.

- TA claims the ghost lane minority access to Whitegates Grove is 2.5m but it is 1.9m. The ghost lane access marked by a T-road junction sign approximately 300m north along Penistone Rd from the Whitegates Grove turn off serves a total of 4 homes and is 1.73m. This second minority junction is not referred to in the transport report. A narrow ghost lane to serve 74 houses would therefore be dangerous;
Reason: As above.
- No mention is made of both the numerous recorded accidents and minor unreported ones around the staggered junction at Station Rd/ Fenay Lane and the seriousness of some of those accidents.
Response: The TA does include an assessment of road traffic collision data for the most recent 5 year period and does acknowledge that the main cause of accidents on the local network is associated with right turning vehicles, which are typically the most common type of incident at priority junctions on busy urban roads. This is addressed in the report above.
- The further inclusion of islands on this stretch of road will make it more dangerous for cyclists by creating pinch points.
Response: Traffic islands are not an unexpected feature of road furniture that can be negotiated by other road users.
- The local bus stops are too small to support the extra number of people.
Response: There is no evidence that the bus stops would be too small.
- There are no plans showing a safe crossing point for pedestrians.
Response: There is no proposal to introduce a crossing point onto Penistone Road. It is not considered to be justified by the scale of this application.

Drainage and Flooding

10.86 In response to specific flood risk issues not addressed in the report above, the following is advised:

- The land has a serious problem with flooding and the drains are not suitable for purpose.
Response: A positive drainage proposal is put forward that is deemed acceptable to the LLFA as detailed in the report above.
- The documentation does not include a Flood Risk Assessment (FRA) nor a response from the Environment Agency.
Response: An FRA was included within the Drainage Strategy. The site lies within Flood Zone 1 in accordance with the Environment Agency's Flood Map such that it is at a low risk of flooding. It is not identified to be in an area with critical drainage problems as notified by the EA and combined with its location in Flood Zone 1, consultation with the EA is not required.
- There are many springs running down the field into Penistone Road, which does flood;
Response: Surface water flooding has been fully considered by the LLFA.

- In recent heavy rain Penistone Road was standing in water, Fenay Beck below was massively swollen coming dangerously close to homes at the bottom of Woodsome Road and Brewery Yard off Fenay Lane, flooding Harvey's and entering the car park at Morrisons. Building here will increase these problems even with a good drainage system;
Response: Surface water flooding has been fully considered by the LLFA.
- Surface water will run down the development towards Penistone Road (downhill, away from the proposed new development) and inevitably place greater stress on Fenay Beck, which already bursts its banks in heavy rain.
Response: Surface water flooding has been fully considered by the LLFA.
- The building of houses on this land will create a greater risk of flooding. As this field takes in water from the hill above and the houses situated above the field, if houses are built then there will be no soak away for the rain water.
Response: There is presently no drainage system within the field but the proposal will result in the field being positively drained.
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge. **Response:** This application has been assessed with regard to drainage and flood risk. Any future application on the remaining site allocations within Lepton (HS2 and HS3) will also be subject to assessment with regard to both flood risk and drainage.
- The character of the site existing top soil cover is permeable and normally allows good absorption with ordinarily little run off. Development of the site seems to involve extensive excavation which will expose less permeable strata with the consequent increase in run-off. **Response:** The application will include a positive drainage system rather than the current situation of no drainage.

Noise, Air Quality and Pollution

10.87 The majority of the matters raised with regard to noise, air quality and pollution are addressed in the report above. The following response to specific representations is set out below:

- The provision for electric vehicle charging is grossly exaggerated, vehicles of this type and price are not likely to be used by residents of affordable social housing, not really an issue other than the that it is obvious that vehicles will be of the highest polluting types, the density of which (taking into account the 139 allocated parking places in a small compact area) is going to be massively detrimental on the local environment, noise and air quality. **Reason:** Such assumption about future occupiers cannot be justified and the scheme will nonetheless make provision for electric vehicle charging points.
- What guarantees do existing residents have in terms of the obvious increases in traffic, air + noise pollution as a result of a major housing development? **Response:** The application has been fully assessed with regard to its impact on Air Quality as set out in the report above.

- An assessment be carried out on the cumulative effects of emissions from vehicles using Penistone Rd in order to predict the impact on air quality. **Response:** the AQA is based upon a cumulative assessment of impacts as set out in the report.

- The incline of the site and its south-west facing orientation causes it to be subject to the 'downwind' effects of the oft-prevailing south-west air flow. The potential therefore of very high concentrations of harmful traffic fumes and excessive noise from the frequent increasingly slow moving and often queuing traffic, to occupants of the proposed nearby development overlooking the grossly overloaded Penistone Road; **Response:** This matter has been fully considered by the Council's Environmental Health Officer. They advise that noise travels in a straight line from the source, with the level of the noise decreasing as the distance increases. From a point noise source, the level will decrease by 6dB with every doubling of distance but from a line source (such as continuous traffic on a road) it decreases 3dB with a doubling of distance, assuming free field conditions in both cases. In conditions that are not free field the noise behaves differently. Where there are obstacles wholly or partly in the direct path of the noise between the source and the receiver the noise will to a greater or lesser extent be attenuated more than in free field conditions. However, in a totally enclosed space the noise the noise can be reflected off surfaces and potentially be directed towards the receiver reducing the level of overall attenuation. On the latest site layout there are a number of points where there will be a direct line of sight from Penistone Road eastwards across the whole site. Some road traffic noise from Penistone Road will be reflected from the surfaces of the proposed buildings, although the buildings will also absorb some of the sound. Because this is not the fully enclosed situation described above it is unlikely that the proposed layout will cause any perceptible increase in the levels of noise from Penistone Road at Clough Way. In fact, the presence of the new buildings will provide an acoustic barrier effect for much of the noise caused by traffic on Penistone Road and therefore the overall effect will be to reduce noise levels at Croft Way.

- The direct void noise corridors from the A629 traffic noise source and adjoining properties remain virtually unaltered in the revised scheme. **Response:** As above.

- Concerned about a change in character of the received noise due to the development layout. Currently, traffic noise is of a tolerable, consistent uninterrupted tone. Due to the proposed site layout receipt of traffic noise at our property will be intermittent, variable and therefore persistently annoying. **Response:** As above.

10.88 Green Belt

In response to comments that the site is in the Green Belt and Kirklees should be looking to build on Brownfield land before green, it is clarified that it is not within the Green Belt. It was removed from the Green Belt through the Local Plan process and it is now an allocated housing site. In response to comments that Brownfield should be development before green, this is addressed in the report above. The development of Greenfield land is not precluded by either national or local planning policy. Furthermore, whilst the comments about other available Brownfield sites within the locality, as well as reference to the

Council's Brownfield register are understood, the Council have a duty to determine the applications submitted to them and there is no policy basis to refuse an allocated site because other Brownfield sites may be available.

Density and Design

10.89 The concerns raised with regard to density and design are largely addressed in the report above. The following specific responses are advised:

- Reviews of other Stonewater developments have very negative comments regarding the quality of building materials etc. This will have a further negative effect on the locality. **Response:** The character of the applicant is not a material planning consideration.
- The relationship to existing houses is closer than 21 metres between main habitable windows. **Response:** Kirklees Council do not have any adopted standards between main habitable room windows and an assessment is made on a site-by-site basis as set out in the report above.
- The amount of space allowed on the estate is too small for the number of children likely to be on the estate and there no green spaces nearby for children to play. If fewer houses were on the site, there could be bigger green spaces for recreational use by residents. **Response:** It is considered that the scheme delivers a sufficient quality of open space having regard also to the requirement to make efficient use of land.
- The design and layout of the proposed properties is repetitive, uniformed, with no imagination or creativity in regard to appearance and layout and have very little space between them. **Response:** This is a subjective assessment and the design and layout is considered acceptable for the reasons set out in the report.
- Tall retaining wall is being proposed with properties proposed at 4-5 metres below the height/level. **Response:** There would be a retaining wall to the rear of some properties but its design and appearance is subject to a planning condition and the relationship between the houses and the wall is considered to be acceptable.
- What will the boundary treatment be? **Response:** The plans indicate that along the site frontage, the existing stone wall will be retained/repared. A reconstituted stone wall is proposed along part of the southern boundary before becoming a retaining wall, which continues along the remainder of the southern and eastern boundary. The northern boundary will remain unchanged. Final details of boundary treatments (including materials) will be secured by means of a planning condition.
- There was much made of a proposed public footpath from the south east corner of the site connecting through to Rowley Lane but this is no longer outlined on the new plan. **Response:** A pedestrian access point onto Penistone Road is proposed towards the southern end of the frontage to provide a more direct route to Rowley Lane.

Living Conditions

10.90 The concerns raised with regard to living conditions are largely addressed in the report above. The following specific responses are advised:

- The existing properties on Clough Way have large front windows and an open area opposite them. The new properties would become an 'eyesore' and people would be able to see directly into these front rooms. **Response:** It is established in planning case law that there is no right to a view.

Landscape and Ecology

10.91 The concerns raised with regard to landscape and ecology are largely addressed in the report above. The following specific responses are advised:

- A variety of wildlife including deer, foxes and owls on the old railway track to the rear of the site and cannot imagine that they will use this corridor if it becomes a playground for children of the estate. **Response:** These animals typically exist in urban areas and the habitat along the old railway track will remain as existing.
- Removing trees will cause more flooding. **Response:** 9 trees are to be removed but more will be replaced as a result of development.
- The area of green space is just a token and will be used as a play area and there will be no benefit to wildlife at all. **Response:** If appropriately planted (subject to a condition) the grassland within the play area can be a habitat to wildlife e.g. invertebrates.
- This is an area that contains a rich diversity of wildlife. Has research and/or a thorough census been conducted to see how a large-scale housing development will affect wildlife and the local eco system? What safeguards do the planners, developers + local authority have in place to protect wildlife in the area? **Response:** The applicant will be required to prepare a Bio-diversity Management Plan, which will be secured by means of a planning condition, the details of which once agreed are enforceable.
- The Preliminary Ecological Appraisal (PEA) was conducted during the sub-optimal time for such surveys, meaning that the report lacks detail and fails to provide a rigorous assessment of the Site's biodiversity and how it should be protected and enhanced. **Response:** Further surveys were subsequently undertaken as deemed necessary by the Council's Ecologist.
- The ecological assessment of the site gives scant consideration of the use of the site by farmland birds and site survey in November means the area's use for foraging by bats won't have been assessed. **Response:** The PEA does identify the site as a suitable habitat for foraging bats. Bird and bat boxes will be required by condition to enhance the bio-diversity value of the site.
- How will it address bio-diversity net gain requirements? **Response:** This will be subject to a planning condition.

Social Infrastructure

- 10.92 The majority of comments relating to social infrastructure raise concerns that schools and doctors/dentists within the locality will be unable to cope with more families. The matter of education and relevant contributions via the S106 Legal Agreement is set out above.
- 10.93 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system.
- 10.94 In response to other specific queries, the following is advised:
- Has the education department factored in the potential increase in children numbers from other nearby housing developments included in the Local Plan; for instance, Sites HS2, HS3 and HS9 which have a joint site capacity of 872 dwellings. **Response:** These will be factored in when those sites come forward and are subject to a separate assessment of education provision.
 - A more accurate approach to estimating the need for additional school places would have been for the Council to have adopted the methodology detailed by the Education Funding Agency (EFA) in its document School Capacity (SCAP) Survey 2014: Guide To Forecasting Pupil Numbers In School Place Planning. **Response:** The Council's assessment is based upon the Council's own adopted guidance on providing for education needs generated by new housing, which provides a locally standardised methodology.
 - How has the Council arrived at the figures for the increase in local school's intake numbers as a result of the development of 74 houses? **Response:** Using the Council's own adopted guidance on providing for education needs generated by new housing.

Historic Environment

- 10.95 Concern related to the historic environment area addressed in the report above.

General issues

- 10.96 The majority of general issues are addressed in the report above. The following detailed responses are provided:
- If all the houses are social or shared ownership "it will create a ghetto that will stigmatise the occupants and affect the other houses in the area". **Response:** Matters raised about the character of future occupants is not a material planning consideration.

- House values will be affected. **Response:** Case law has confirmed that the impact of development on house values is not a material planning consideration.
- “Fenay Bridge has a good reputation for quality properties in a safe area. Building what is, in effect, a council estate within the area is not going to be in the best interests of the existing residents, or the new tenants”. **Response:** The applicant is a social housing provider who will continue to maintain and manage the site. In their experience of other sites, there is no evidence that crime levels would be different to those on existing developments nearby.
- As a result of COVID and Brexit, there is uncertainty about how many homes are needed and it is possible that for the reasons of Brexit alone, the population of the UK will shrink as migrants return to their own country. **Response:** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. An estimation of migration rates is not material and the development plan sets out housing requirements for the district between 2013 and 2031.
- Concerned at the reference to evidence of arsenic and mercury in soil samples. **Response:** Marginally elevated concentrations of arsenic were in three of the 32 samples analysed across the site. The three exceedances were identified to be marginal and generally considered to pose a significant risk to construction workers and future site users. However, further ground investigation would be required to confirm this. The mercury was identified as a localised feature that is probably natural in origin. Further conditions are therefore proposed with regard to a remediation strategy and to deal with any unexpected contamination.
- During 2019 (possibly planned & approved 2018), work was undertaken to relocate / divert overhead power lines (these are likely to have been 11Kv lines?) from within the proposed development site. Was this work undertaken in advance and proactively by the applicant(s) without instruction from Kirklees, or were they instructed to perform this work as a direct result of any pre-planning discussions? **Response:** The applicant has confirmed that these works were not commissioned by them and were likely to be works undertaken by the power company.
- Land within the site has located shallow coal mine workings that may cause land in that part of the site to be unstable. Observed that along the road directly above the railway line along Clough Way, there has been movement of the fence, which suggests the land is actually moving. **Response:** The Coal Authority were consulted on this application and raise no objection to it based upon the information provided.
- The route of the Fenay Greenway is an already well used path between Whitegates Grove and Rowley Lane, which includes the section adjacent to this site. The path is easily accessible on the level through a gate on Whitegates Grove, and also from Rowley lane adjacent to the former overbridge. Properly surfaced to a 3 metre width, the path would become a valued amenity for walkers, cyclists, wheelchair users and buggy pushers, including residents of the proposed development, if approved. In the longer term it will be part of a an alternative commuter route to Penistone Road,

where conditions for cyclists and pedestrians will only get worse as other residential sites in the corridor are developed. **Response:** This is addressed in the report above.

- Unacceptable to condition so many details such as retaining walls.
Response: National Planning Practice Guidance confirms that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. It is not atypical to require details by condition for a major development such as this.
- A property on Whitegates Grove has not been shown correctly on the applicant's plans.
Response: Even if the property had not been shown comprehensively on a layout plan, the site has been visited and assessed by the Case Officer and the impact of the proposal on future occupiers of Whitegates Grove has been fully assessed in the report above.

Climate Change

10.97 The following detailed responses are provided:

- Climate change is necessitating a change in the way that we design houses to ensure that they are heated efficiently without using gas central heating which will only contribute to global warming through the emission of CO2. Has this been considered by the house builder and Kirklees planning?
Response: The comment is noted but the ban on gas boilers in new home from 2025 will not be controlled through the planning process and cannot be enforced through planning at this stage. The applicant has at least acknowledged CO2 emissions and sought a clear fabric first approach.
- Very much doubt if any of the new houses would have electric charging points installed, which is Government recommendations at present, to encourage further uptake of electric cars before the 2035 cut-off.
Response: Electric charging points will be secured by means of a planning condition.

Procedural

10.98 The following detailed responses are provided:

- No communication with the developer since September 2019 except receipt in March 202 of their proposals, which were virtually unaltered from the initial scheme displayed at the public exhibition and feedback queries remain unanswered.
Response: This is a matter for the applicant.
- Concern about the timing of the application during a pandemic that prevents people from organising group meetings to comment on the proposal.
Response: The Chief Planning newsletter (from the Ministry for Housing, Communities and Local Government) dated 23 March 2020 asked local authorities to prioritise decision-making to ensure the planning system continued to function. The submission of applications within this period could not therefore be precluded from consideration.

- Consideration of the application should be delayed until meaningful and proper democratic community engagement can take place.

Response This application was subject to a consultation exercise undertaken by the applicant and there have been two rounds of public consultation as part of the planning application process. It is therefore considered that residents have had reasonable opportunity to raise their concerns.

- Do not believe a virtual planning meeting to be satisfactory as a means to determine this application.

Response: MHCLG introduced legislation in May 2020 to provide the power for local authorities to provide virtual meetings. The Government advised that to ensure planning decisions continue to be made, local planning authorities should take advantage of these powers to hold virtual planning committees – rather than deferring committee dates. These meetings retain the opportunity for residents to speak to Committee Members and are therefore considered to be a satisfactory means to determine this application.

Construction issues

10.99 It is a matter confirmed within planning case law that objections relating to construction issue are not material, principally on the basis that they are temporary and they can also be controlled via alternative Environmental Health legislation. Nevertheless, a Construction Environmental Management Plan would be secured by means of a planning condition to address matters such as working hours, dust, contractor car parking etc. With regard to matters of structural integrity of existing properties, this would be a civil matter between the applicant and existing occupiers.

11.0 PLANNING OBLIGATIONS.

11.1 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 it should be subject to a Section 106 agreement to cover the following:

- a) Affordable housing - to be provided in perpetuity with an agreed split between affordable rent and shared ownership;
- b) Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
- c) Education - Additional places would be required at Rowley Lane Junior Infant and Nursery School and some additional secondary school places would also be required. Based on projected numbers forecast for 2022/23, a total financial contribution of £135,308 is required split between £85,664 (primary) and £49,664 (secondary);
- d) £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
- e) A contribution of £37,851.00 towards a sustainable travel fund (based upon bus only Residential MCards);
- f) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

- 11.2 The requirement for an obligation to retain the affordable housing in perpetuity and with regard to off-site open space is set out in the report above.
- 11.3 With regard to education, the contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This will be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. The number of additional pupils generated from new housing developments is estimated on the basis of an additional 3 children per 100 family houses per year group for primary and pre-school numbers, (7 year groups) and an additional 2 children per 100 family houses per year group for secondary (5 year groups). This provides a consistent approach to securing the education contribution within the planning application process.
- 11.4 The contribution to install Real Time information to the 16775 bus stop on Penistone Road and towards a sustainable travel fund based upon bus only Residential MCards will meet the objective of encouraging sustainable modes of travel required by Policy LP20.
- 11.5 The heads of terms in relation to drainage and POS will ensure that arrangements are in place to secure the long-term maintenance and management of these elements of the scheme.
- 11.6 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

12.0 CONCLUSION

- 12.1 This application seeks full planning permission for the construction of 68 dwellings on a site allocated for housing within the Local Plan. It will deliver 68 new homes of which 20% will be affordable. This will make a meaningful contribution to housing need within the Borough.
- 12.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage.
- 12.3 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. 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 it is therefore recommended for approval.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans.
3. Submission of a Construction Environment Management Plan.
4. Provision of visibility splays.
5. Final details of the junction of the new estate road.
6. A detailed scheme for the provision of a right turn lane.
7. Travel Plan
8. Submission of details relating to internal adoptable roads.
9. Method for collection and storage of waste.
10. Details of new retaining walls/structures adjacent to the adoptable highway.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Tree Protection measures
14. Development in accordance with FRA mitigation measures;
15. Site to be developed by separate systems of drainage for foul and surface water on and off site.
16. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
17. Unexpected contamination.
18. Details of crime prevention measures in accordance with guidance from WY Police.
19. External materials (including samples).
20. Window details
21. Boundary treatments.
22. External lighting.
23. Full Landscaping scheme, including street trees.
24. Biodiversity enhancement, net gain and Ecological Design Strategy.
25. Details of bio-diversity area.
26. Removal of permitted development rights.
27. Archaeology.
28. Details of all retaining walls (including structural details and appearance).
29. Finished site levels (including existing and proposed cross-sections).
30. Details of an acoustic barrier.
31. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90725>

Certificate of Ownership – Certificate B signed – notice served on site owner.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2019/93303 Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Merchants Field Farm, Hunsworth Lane, Cleckheaton, BD19 4EJ

APPLICANT

Harron Homes Ltd

DATE VALID

08-Oct-2019

TARGET DATE

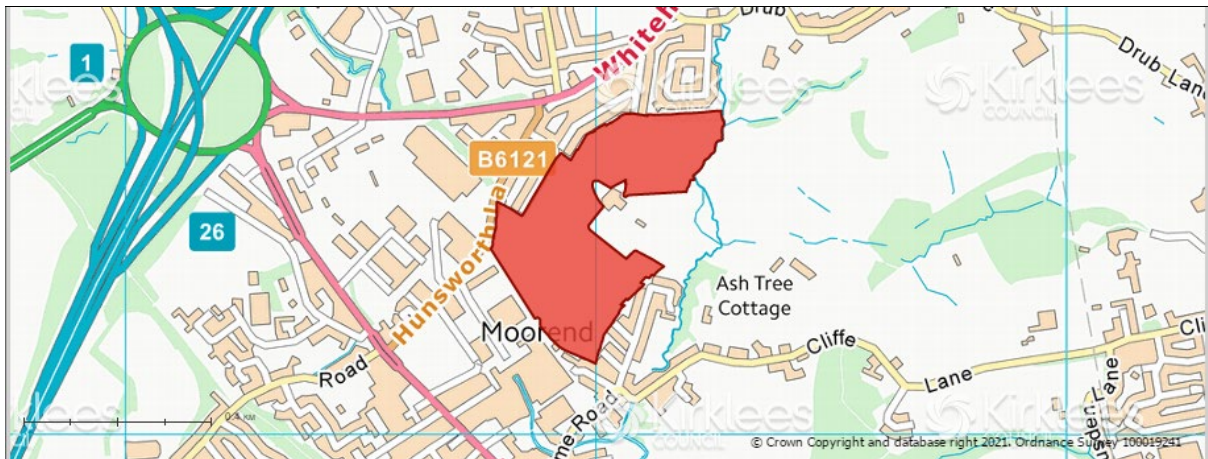
07-Jan-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions, including those contained within this report, and to secure a S106 agreement to cover the matters set out below, and subject to the Secretary of State not calling in the application.

1. 54 of the dwellings to be affordable with a tenure split of 55% affordable rent and 45% Intermediate
2. Public open space provisions including off-site commuted sum of £150,000 and future maintenance and management responsibilities of open space within the site including an inspection fee for the onsite open space of £1,000
3. £1,086,099 towards Education requirements arising from the development to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined.
4. Off-site highway works (£65,000)
5. Contribution towards sustainable travel measures (£136,571)
6. Travel Plan monitoring fee (£15,000)
7. Bus stop improvements (£10,000)
8. Air quality mitigation (£152,378)
9. Off-site biodiversity contribution (£111,060)
10. Future maintenance and management responsibilities for the surface water infrastructure within the site

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Strategic Planning Committee because of the scale of development proposed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located towards the northern extent of Cleckheaton and comprises unused agricultural grazing land amounting to some 12.01 hectares.
- 2.2 The site wraps around Merchant Fields Farm, which comprises of a group of four dwellings. The access to these dwellings is via an unadopted track at the end of Kilroyd Drive which passes through the application site.

- 2.3 The area to be developed comprises five adjoining fields which are separated by tree and hedgerow boundaries. Two fields in the middle of the site generally have a very gentle topography but the two fields making up the southern portion of the site and the field in the north eastern part of the site slope down quite steeply towards the site boundaries.
- 2.4 The site is located in an area where there are a mix of uses. Residential development lies to the north, north west and south eastern boundaries and there is employment land to the south west. Open land exists to the north east. The urban grain of the surrounding residential area is reasonably compact with closely spaced dwellings comprising of mainly semi-detached and terraced housing of mixed age and design.
- 2.5 Public footpath SPE/41/10 runs alongside the south western site boundary and public footpath SPE/44/30 runs through the north east corner of the site and continues alongside the south eastern boundary. Nann Hall Beck lies along the north eastern boundary.

3.0 PROPOSAL:

- 3.1 This is a full application for the erection of 267 dwellings.
- 3.2 There would be two points of access for the development. A new access is to be formed off Hunsworth Lane and an estate road link would be made utilising the existing access from Kilroyd Drive.
- 3.3 The proposed access from Hunsworth Lane would form a priority junction with a right turn lane into the site from Hunsworth Lane. Footways are provided to both sides of the access. The proposed access from Kilroyd Drive would form an extension of the existing carriageway and footways.
- 3.4 All of the proposed dwellings are two storeys in height. There are ten different house types and the proposed facing materials are a combination of red brick with red tiled roof and artificial stone with grey tiled roof.
- 3.5 Public open space is provided to the north eastern, southern eastern and south western boundaries.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is no planning history that is directly relevant to this proposal.

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

- 5.1 When the application was first submitted it was for a total of 298 dwellings. The applicant opted to review their scheme during the application process and the layout was subsequently amended, resulting in 267 units.
- 5.2 Officers have undertaken negotiations with the applicant in respect of housing density and housing mix, the important hedgerow on the site, the retention of the proposed access off Hunsworth Lane, viability/planning obligations and technical matters including highways, drainage, biodiversity and the nature of open space provision on the site. An amendment to the site layout was secured to improve separation distances to an existing dwelling and enhance the

relationship between the site and Links Avenue. The applicant has confirmed that the scheme will be amended to ensure that 100% of the dwellings meet Nationally Described Space Standards.

- 5.3 There have been two formal pre-application enquires for residential development on this site, both submitted by the current applicant. The most recent enquiry was submitted in 2018 and was for 224 dwellings. As part of the advice provided on that enquiry, the applicant was asked to consider increasing the quantum of development and improving the housing mix.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

- 6.2 The site comprises housing allocation HS96 within the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing Mix and affordable housing

LP20 – Sustainable travel

LP21 – Highway safety and access

LP22 – Parking standards

LP24 – Design

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP32 – Landscape

LP33 – Trees

LP35 – Trees

LP47 – Healthy, active and safe lifestyles

LP49 – Educational and health care needs

LP51 – Protection and improvement of local air quality

LP53 – Contaminated and unstable land

LP63 – New open space

LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD

Draft Open Space SPD

Draft Housebuilders Design Guide SPD

6.5 National Planning Guidance:

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

6.6 Other material considerations:

Kirklees Interim Affordable Housing Policy (January 2020)
Biodiversity Net Gain Technical Advice Note
Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two rounds of formal publicity have been undertaken. The first publicity period related to the application as originally submitted (298 dwellings) and a second period of publicity was carried out following amendments to the proposed layout (267 dwellings). In total 112 objections have been received. A summary of the comments made is provided below.

Landscape and urban design:

- Scale of development is too large for the site
- Development is too dense
- Development would amalgamate Hunsworth village into Cleckheaton
- Development will merge Hunsworth and Moorend resulting in an unnecessary conurbation and the loss of village identity
- Development would double the size of Hunsworth
- Loss of Green Belt land
- Loss of green space and recreational opportunities
- Design of housing out of keeping with surrounding development

Highways:

- Impact of increased traffic on local highway network including key junctions
- Local highway network cannot accommodate the additional traffic
- Detrimental impact on highway safety
- Cumulative highway effects with other developments in the area
- Both of the proposed access points are unsuitable and dangerous
- Impact of construction traffic and development traffic on Kilroyd Drive
- Kilroyd Drive unsuitable to accommodate the additional traffic
- On-street parking on Kilroyd Drive narrows its width and makes it unsuitable to serve the development
- Request for a Traffic Regulation Order for Kilroyd Drive to prevent the site being used as cut through (rat run) and thus increasing the amount of traffic on Kilroyd Drive beyond that generated by the development alone
- Use of Kilroyd Drive for access will harm the amenity and safety of existing residents on Kilroyd Drive and infringe upon their Human Rights
- Concern that the proposed access off Hunsworth Lane will not be built and all traffic will come along Kilroyd Drive
- Site is not accessible
- Public transport infrastructure inadequate to support this development

- Internal road layout could cause parking problems
- Proposed right turn lane off Hunsworth Lane is dangerous given how busy this road is and traffic speeds
- Risk that the development will be used as a rat run

Drainage and flood risk:

- Concern that the development will increase the risk of flooding to existing property adjacent to the site
- Adjacent property has recently experienced flooding
- Existing fields become saturated in winter and parts of them have flooded
- The adjacent beck overflows and water runs off the site onto Hunsworth Lane
- Cumulative flood risk effects with other developments in the area
- Impact of vegetation removal on flood risk

Ecology:

- Detrimental impact on flora and fauna including owls, bats, foxes, herons
- Loss of habitat
- Detrimental impact on Nann Hall Beck
- Impact on the 'important hedgerow'
- Translocation of hedgerow involves losing a section of it
- Loss of existing trees and hedgerows on the site
- Impact on the function of the site as a green corridor
- Net loss to biodiversity

Residential amenity:

- Impact of construction phase on local residents – noise, dust, disruption etc. Concern with length of time it will take to build.
- Detrimental impact on air quality from increased traffic and slower traffic speeds/stationary traffic. Already an air quality issue in this area and proposal will exacerbate this problem.
- Cumulative air pollution effects with other developments in the area
- Insufficient local amenities to serve a development of this scale
- Air Quality is measured at Birkenshaw and not the closer Chain Bar measuring station; data cannot be applied to this site
- Loss of outlook
- Overshadowing/Impact on natural light (right to light)
- Light pollution from dwellings
- Overlooking of existing properties
- Increased noise pollution
- Noise pollution from adjacent factory would affect development

Other matters:

- Increased pressure on schools and medical service providers. Cumulative impact with other developments must be taken into account.
- Inadequate infrastructure and amenities to support the additional housing proposed
- Affordable housing must be provided / object to zero affordable housing provision which would be contrary to policy
- Open space is inadequate/unsuitable

- Inadequate investigation of coal mining legacy. Concerned with the mine shafts on the site and how they will be dealt with
- Concerns with mine gas
- Land stability/subsidence concerns
- There is a Roman road running through the site; archaeological investigation and recording is required
- Impact of construction on stability of adjacent property
- Detrimental impact on property values
- Power and essential services such as water and gas will be compromised
- Boundary dispute in relation to a property at Merchant Fields Farm
- Applicant's Statement of Community Involvement is poor and misleading; concerns with applicant's engagement with local community
- What is 'Indicative Banking' on the proposed site?
- How is access to the public footpaths maintained?
- Impact on climate change
- Impact on livestock in adjoining fields
- Contamination issues with the land
- There is not demand for this amount of housing
- Permission has previously been refused for development on the site
- Development may increase crime

7.2 Ward councillors were notified of the application.

7.3 Councillor Kath Pinnock has raised a range of significant concerns with the proposal including in relation to:

- The highway impacts of the development including the traffic modelling undertaken, cumulative impacts and access from the site onto the A58.
- Flood risk, particularly the potential for the increased risk of flooding off-site
- Air quality including the reliance on data from Birkenshaw. Data should be gathered in the vicinity of the traffic lights at the Hunsworth Lane junction.
- Implications with the legacy of coal mining activity on the site.
- Concerned that the mine shaft adjacent to the proposed new access has not been properly investigated
- Ecological matters including the translocation of the 'important hedgerow'. The hedgerow should be retained in situ.
- The impact on local facilities and services, especially when other local developments are taken into account.
- The relationship between the development and Links Avenue
- The provision of open space and affordable housing on the site
- Provision of suitable waste storage and collection
- Uncertainty regarding the location of the Yorkshire Water sewer

7.4 Councillor Kath Pinnock has requested that the Strategic Planning Committee defer a decision on the application because there are too many unknowns for members to make an informed decision. This is particularly with regards to the highway assessment, coal mining, Yorkshire Water infrastructure and unreliable air quality assessment information.

7.5 Councillor John Lawson has been approached by local residents and has submitted email correspondence on their behalf, including evidence of flooding.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection. Traffic associated with the development can be accommodated on the highway network.

KC Lead Local Flood Authority – Holding objection until a concern with flood risk to Plots 47 and 48 has been satisfactorily addressed.

The Coal Authority – No objection subject to conditions

Highways England – No objection subject to condition

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions and a financial contribution towards air quality mitigation.

KC Ecology Unit – No objection. The development results in a net biodiversity loss and an off-site financial contribution is necessary in order to deliver a net biodiversity gain of 10%.

KC Landscape Section – No objection. Off-site contribution of £150,000 is required to supplement on-site provision of open space.

KC Conservation and Design – No objection

KC Trees Officer – No objection. Condition recommended requiring the development to be carried out in accordance with the submitted hedgerow translocation statement.

KC School Organisation – A contribution of £1,086,099 is required towards education provision.

KC Strategic Housing - There is significant need for affordable 1, 2 and 3+ bedroom homes in Batley and Spen. 20% of the dwellings on the development should be affordable, with a tenure split of 55% social or affordable rent to 45% intermediate housing. The affordable housing should be distributed evenly throughout the development and not in clusters and must be indistinguishable from market housing in terms of both quality and design.

KC Public Health – No objections raised

Yorkshire Water – Layout indicates tree planting over/very close to public sewerage infrastructure crossing the southern section of site. Such planting is not acceptable. Layout indicates that an easement to this sewer would be unaffected by the proposals but it is strongly recommended that the developer carries out a survey to determine its exact position.

Police Architectural Liaison Officer – Supports the principle of development subject to the inclusion of the recommended Secured by Design advice.

West Yorkshire Archaeology Advisory Service – No objection

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated for housing in the Local Plan and therefore the principle of residential development on the site is accepted in accordance with the land's allocation.
- 10.2 Chapter 5 of the NPPF sets out the Government's objective to deliver a sufficient supply of homes. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 10.3 The Local Plan housing requirement is a minimum of 31,140 homes over the plan period from 2013-31 which will meet identified needs. This equates to an annual housing requirement of 1,730 new homes per annum.
- 10.4 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.5 As the Kirklees Local Plan was adopted within the last five years, the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 LP3 of the Local Plan states that development will be permitted where it supports the delivery of housing in a sustainable way, taking into account the housing requirements set out in the plan.

- 10.7 The Local Plan has identified the application site as a suitable location for new housing. The scheme represents a comprehensive development of the whole allocation and the proposal would help to meet future housing needs in this part of the District.

Density and housing mix:

- 10.8 Housing allocation HS96 has a gross site area of 12.10 hectares and a net site area of 11.65 hectares, once 0.45 hectares has been removed from the developable area to enable the retention of existing hedgerows and a vegetated buffer adjacent to Nann Hall Beck to the northeast of the allocation. The proposed layout provides a landscaped buffer to Nann Hall Beck and the applicant is proposing to relocate the important hedgerow within the site (these matters are discussed in more detail later in this appraisal).
- 10.9 The indicative capacity of the allocation is 413 dwellings based on the Local Plan's minimum density target of 35 dwellings per hectare, as set out in Policy LP7.
- 10.10 LP7 states that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.11 LP11 states that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.
- 10.12 Paragraphs 122 and 123 of the NPPF sets out guidance on achieving appropriate densities and paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development.
- 10.13 The applicant considers that the net developable area of the site is 8.84 hectares once topographical constraints and easements are factored in. On this basis the proposal equates to a density of 30.2 dwellings per hectare.
- 10.14 Officers accept that the actual developable area of the site is somewhat below that specified within the Local Plan. The topography of the land poses a constraint to development, particularly towards the peripheries of the site. A group of three mine shafts have also been located within the western part of the site and Yorkshire Water has confirmed that easements are required to their infrastructure within the site. The area that the applicant is proposing to develop for housing is deemed to be a realistic reflection of the developable land.
- 10.15 Accepting the reduced developable area, the proposed density of development represents a relatively efficient use of housing land, although it still falls short of the target density of 35 dwellings per hectare required under Policy LP7.

- 10.16 The urban grain of neighbouring residential development is reasonably compact, with quite closely spaced dwellings comprising of mainly semi-detached and terraced housing. The proposed density of development is broadly in keeping with this prevailing character, albeit the proposed development is predominantly made up of closely spaced detached properties.
- 10.17 The proposed scheme is made up of approximately 80% detached dwellings with the remainder being semi-detached and terraced. The mix is heavily skewed towards detached four bed dwellings although there is a proportion of smaller three bed detached houses. The semi-detached and terraces provide two and three bed properties. The development therefore provides a range of dwelling types, albeit with a predominance towards larger detached homes.
- 10.18 The efficient use of land and the proposed mix of housing are issues to be weighed in the overall planning balance, including having regard to the benefits that would result from the development and the quality of the scheme as a whole.

Urban design and heritage issues

- 10.19 Policy LP24 of the Local Plan states that good design should be at the core of all proposals and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.20 The scheme delivers a mixture of property types of differing design. All the proposed dwellings are two storeys in height and contrasting materials are proposed which would add some variety across the development – the materials would be red brick with red tile and artificial stone with grey tile.
- 10.21 Adjacent residential development has a diverse appearance in terms of design and materials. To the north west are 1980s brick-built semis on Links Avenue and 1930s terraces on Kilroyd Avenue, which are mostly faced in render. To the north of the site are mainly 1960s bungalows/dormer bungalows with two storey dwellings at the southernmost end of Kilroyd Drive. The properties to the south east of the site comprise dwellings of varying age, design and materials (including red brick and natural stone).
- 10.22 It is considered that the overall design approach would respect the local vernacular and the proposed materials would harmonise with the material palette found in the surrounding area.
- 10.23 In response to the site's topography, the land would be built up to create a development plateau to the southern peripheries and north eastern extent of the built area. The edges of the development plateau transition into areas of open space which provide an attractive setting to these parts of the development and provide a buffer between the new housing and the public footpaths that run alongside and through the application site. Connections between the proposed development and these footpaths are provided and the layout allows users of the public footpaths to access the proposed open space on the site, such as the trim trail, seating areas and kickabout space.

- 10.24 It is considered that the proposal would also successfully assimilate with existing street scenes. Where the development connects to Kilroyd Drive, the layout continues the building line of the existing houses on the eastern side of the road and on the western side of the road the layout provides a dual aspect dwelling and then an area of tree planting which helps to provide some visual interest.
- 10.25 Where the development abuts Links Avenue, the new dwellings are side on to the road. The proposal has been amended to improve the interface between the development and the street scene; strips of amenity grassland enclosed by ornamental hedgerows incorporated along much of the boundary to provide a softer edge and enable individual plot boundary treatments to be set in from the roadside where possible. Boundary treatments to the roadside are generally sympathetic, being either a brick wall or low timber knee rail, although there is a short section of 1.8m timber fencing on top of a retaining wall at the top of Links Avenue. The amendment also includes some limited tree planting alongside Links Avenue. Overall, it is considered that the design of the development would satisfactorily integrate with Links Avenue.
- 10.26 The development includes several features that are intended to enhance the quality of design. These include dual aspect properties on all prominent corner plots so that the dwellings have active frontages to both roadsides and tree planting within the internal site layout, such as at the end of roads to enhance street vistas. Substantial tree planting is provided around the proposed new access off Hunsworth Lane and this is intended to mirror the trees on the opposite side of the road. The whole of the area around the access would be landscaped.
- 10.27 The scheme provides good permeability for pedestrians. The layout successfully integrates with the PROW network and connections are provided to Hunsworth Lane and Kilroyd Drive. The applicant has also been asked to provide a connection to Links Avenue. These pedestrian links enhance the sustainability of the development.
- 10.28 The two points of vehicular access allow traffic to and from the development to be split and spread across the highway network. The layout of the site is such that the development should not be attractive as a shortcut or 'rat run' between the A58 and Hunsworth Lane.
- 10.29 The site is not in a Conservation Area and the nearest listed buildings are approximately 130m to the north east and separated by a field and some trees. As such, there would not be any significant impact on the setting of these designated heritage assets.
- 10.30 The applicant carried out a pre-determination archaeological evaluation in 2019. The results of this work established that the site had very low archaeological potential and, in particular, the line of a Roman road was not located by archaeological trial trenching. This being the case, the West Yorkshire Archaeology Advisory Service do not consider that any further archaeological work is necessary at the site.
- 10.31 In summary, the proposal would not result in any unacceptable harm to heritage assets and is an acceptable standard in design terms and therefore is considered to comply with Policies LP24 and LP35 of the Local Plan and guidance in the NPPF.

Landscape issues

- 10.32 Policy LP32 of the Local Plan relates to the landscape. It states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries and; the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 10.33 In addition, Policy LP24 of the Local Plan requires proposals to have regard to the landscape. It requires, *inter alia*, that the form, scale, layout and details of all development respect and enhance the character of the landscape.
- 10.34 The existing site is unused agricultural land comprising of five distinct fields separated by hedgerows along with some scattered trees to the boundaries. The main landscape features are the hedgerows and in particular the double hedgerow to the south west of Merchants Field Farm which is classified as an 'important hedgerow' within legislation.
- 10.35 The site is located towards the north eastern extent of Cleckheaton and the proposal would effectively 'round off' the built-up area between Hunsworth to the north and Moorend to the south. Much of the eastern site boundary forms the Green Belt boundary, with most of Merchant Fields Farm falling within Green Belt.
- 10.36 The layout incorporates landscape buffers to a significant proportion of the site boundaries. This includes a substantial woodland buffer and area of open space to the north eastern corner of the site where the allocation borders onto Green Belt and Nann Hall Beck. The provision of this area helps the transition between the Green Belt and the new residential development and also meets the requirements of the housing allocation in the Local Plan which requires a vegetated buffer to Nann Hall Beck. An area of open space and a narrow landscape buffer are also provided to the Green Belt where the allocation abuts the southern boundary of Merchants Field Farm.
- 10.37 Open space is provided towards the southern periphery of the site which provides a buffer between the proposed housing and existing residential and commercial development. It is proposed to relocate the important hedgerow within this area where it would form a single hedgerow running parallel to two public footpaths (as discussed at paragraphs 10.94-10.98).
- 10.38 The landscaped area and tree planting around the proposed access off Hunsworth Lane would screen and soften views of the development, which would be set up from Hunsworth Lane given the topography.
- 10.39 Boundary treatments to the open space are generally low timber knee rails which allow a sense of openness to the development.
- 10.40 The proposed development would largely be viewed in the context of the established built form which surrounds the majority of the site and the proposed layout mitigates the visual impact on the landscape. In conclusion it is considered that the proposal would successfully assimilate itself within the landscape without resulting in any significant harm and as such the application is considered to comply with Policies LP32 and LP24 of the Local Plan.

Residential Amenity

- 10.41 Policy LP24 of the Local Plan states that development proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The NPPF also seeks to ensure that developments create a high standard of amenity for existing and future users.
- 10.42 The proposed development borders onto residential development to the north/north west and to the south east.
- 10.43 The most direct relationship between new and existing dwellings is where plots 251-267 back onto the rear elevations of the properties on Kilroyd Avenue. The topography in this part of the site is such that the respective dwellings would be broadly on the same level and all the dwellings would be similar in height, except for 45 Kilroyd Avenue which is a dormer bungalow.
- 10.44 Separation distances are all in the range of circa 21m-24m, but this separation is reduced to approximately 18m and 20m in relation to conservatories on six of the neighbouring dwellings. The adjacent properties have an assortment of rear boundary treatments; the proposed boundary treatment plan does not specify how this boundary will be treated although a typical 1.8m rear boundary fence would provide an effective screen between ground floor windows.
- 10.45 New houses also back onto the side of 45 Kilroyd Avenue, which has a secondary bedroom window and the side windows to its conservatory facing towards the application site. The separation distance to the conservatory is approximately 20m.
- 10.46 It is considered that the above separation distances are acceptable. The impact on residential amenity would be further mitigated by suitable boundary treatment. Sensitive boundary treatment is particularly important to the boundary with 45 Kilroyd Avenue because there is a small parking courtyard adjacent to the boundary which would benefit from being softened; it would also reduce the potential for nuisance from vehicle headlights. The removal of permitted development rights for rear extensions and roof extensions (e.g. dormer windows) would also protect the amenity of existing residents in the future.
- 10.47 The houses on Links Avenue front onto the side elevations of new dwellings at distances of around 17m to 22m.
- 10.48 Existing properties on Mazebrook Crescent that back onto the site are well separated from the nearest proposed dwellings, which generally have a side elevation facing towards these existing properties. Plots 46-48 back onto part of Mazebrook Avenue and Mazebrook Crescent and the separation to the nearest dwellings is approximately 24m and 32m. There is a landscape buffer along the whole of this northern boundary.
- 10.49 New dwellings are separated from existing dwellings to the south and south east by open space which allows for very generous separation distances. It is also considered that acceptable separation is provided to the four existing dwellings that make up the Merchants Field Farm site.

- 10.50 The applicant has agreed to amend the scheme so that it achieves 100% compliance with Nationally Described Space Standards, which will ensure a high standard of amenity for all future occupiers. The amendment comprises of minor changes to two of the house types. The amendment is shown on the updated site layout plan, although amended floor plans for the two house types are awaited. The development is considered to provide adequate outdoor amenity space for each dwelling.
- 10.51 The site lies in close proximity to some commercial development on Riverside Drive. The application is supported by a noise assessment. The proposed dwellings are well separated from the nearest units and Kirklees Environmental Services have raised no concerns regarding noise.
- 10.52 In summary, it is considered that the proposed development would provide an acceptably high standard of amenity for future and neighbouring occupiers and the application therefore accords with Policy LP24 of the Local Plan and guidance in the NPPF.

Highway issues

- 10.53 The site lies approximately 1.2 km to the north of Cleckheaton Town Centre and is located to the east of the B6121 Hunsworth Lane and south east of Whitehall Road (A58). Vehicular access is currently taken from Kilroyd Drive, which serves an existing complex of farm buildings and associated residential accommodation.

Access:

- 10.54 The site is allocated for housing in the Local Plan and the accessibility of the site was assessed as part of this process and found to be acceptable.
- 10.55 Two points of access are proposed, one from the existing access on Kilroyd Drive, which is to be extended into the site, with a second point of access off Hunsworth Lane (B6121) via a new priority junction.
- 10.56 The new access from Hunsworth Lane takes the form of a priority junction with right turn lane, which is considered acceptable in principle and appropriate for the scale of development proposed. Further information has been requested demonstrating vehicle swept paths and forward visibility, together with the submission of a stage 1 RSA and Designer's Response. Subject to these issues being satisfactorily addressed the access is considered acceptable.

Traffic Impact/Network Assessment:

- 10.57 The scope of the Transport Assessment (TA) was agreed during pre-application discussions and is based on current guidance and industry standard methodology. Traffic surveys have been undertaken which identify the local network peak hours as 0730-0830hrs and 1645-1745hrs. For assessment purposes the TA is based on a residential development comprising of 310 dwellings. The proposal is for 267 dwellings and therefore the TA provides a robust assessment.

10.58 Traffic growth has been based on TEMPro growth rates with a future design year of 2025 Industry standard TRICS database has been used to determine trip rates, for robustness the assessment uses 85% percentile trip rates based on AM and PM peak hours of 08:00 – 09:00hrs and 17:00 – 18:00hrs respectively, which are higher than actual local network AM and PM peak hours of 07:30 – 08:30hrs and 16:45 – 17:45hrs respectively.

10.59 In terms of traffic generation this equates to 227 and 236 two-way trips respectively in the AM and PM peak periods. The table below provides full details.

Trip Rates and Traffic Generations for 310 Dwellings

	85 th Percentile Vehicular Trip Rates			Traffic Generations		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
08:00-09:00	0.243	0.491	0.734	75	152	227
17:00-18:00	0.463	0.296	0.759	144	92	236

Traffic Distribution:

10.60 Traffic has been distributed on the highway network using origin and destination data from the 2011 Census, method of travel to work data set. The methodology has been reviewed and is considered to be acceptable.

Junction Assessment:

10.61 The following junctions have been assessed using a base year of 2020 and a future design year of 2025.

Kilroyd Drive/A58 Whitehall Road (Priority Junction):

10.62 Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing or capacity problems. It is noted that vehicles turning right out of Kilroyd Drive may have to wait up to 30 seconds to find an acceptable gap, which is less than ideal.

10.63 Hunsworth Lane/Proposed Site Access (Priority Junction):

Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing, capacity or vehicle delays.

A58 Whitehall Road/A651 Bradford Road (Roundabout):

10.64 Assessment shows that in the 2025 base traffic (without development traffic) scenario, the A58 Whitehall Road East arm operates beyond practical capacity in the AM and PM peak periods and the A651 Bradford Road South arm operates beyond practical capacity in the AM peak period. The addition of development traffic, i.e. 2025 base plus development traffic scenario, marginally worsens this situation, although in terms RFC values and queuing the addition of development traffic is considered to have a relatively minimal impact and equates to an increase of approximately 4 queuing vehicles in the peak periods.

10.65 In the 2025 base plus development traffic scenario all arms except the A651 Bradford Road south arm continue to operate within theoretical maximum capacity, the Bradford Road south arm operates marginally over maximum capacity in the AM peak period. The A651 Bradford Road North and A58 Whitehall Road West arms continue to operate within practical capacity in all scenarios including the 2025 base plus development scenario.

10.66 It is considered that future network growth is the main contributory factor towards certain arms of the roundabout operating over capacity and that the impact of development traffic is in relative terms minimal.

A58 Whitehall Road/Hunsworth Lane (Signalised Junction):

10.67 The junction has been modelled using LinSig modelling software, the Council's UTC team have reviewed the model and provided the following comments:

10.68 Signalisation of this junction was undertaken in around 1999 and was introduced as an accident remediation scheme, the junction being effectively at capacity when commissioned. A situation which is still currently the case, with some arms of the junction operating at or slightly over capacity, with significant queues observed on Hunsworth Lane and A58 Whitehall Road westbound, during peak periods. During interpeak periods the junction operates satisfactorily with spare capacity on all arms.

10.69 Measures are proposed to improve the operation of the junction, these include the introduction of a staggered pedestrian crossing on the Hunsworth Lane North arm of the junction and removal of the pedestrian crossing facility on the A58 Whitehall Road West arm.

10.70 The removal of an existing pedestrian crossing facility is seen as a retrograde step in terms of pedestrian movement and safety and is not supported by Highways. Similarly, the introduction of a staggered crossing on what is currently a relatively short single crossing is also considered detrimental to pedestrian movement.

10.71 After careful consideration, the view of the Highway Authority is that whilst the proposed improvements provide some additional capacity, by 2025 this additional capacity has been exhausted - the view being that for a marginal five-year betterment the improvements are not worthwhile, particularly when taking into consideration the disbenefit and potential safety implications to pedestrian movements.

10.72 In summary, the proposed improvements, which offer only marginal short-term capacity benefits are considered detrimental to pedestrian movement and safety, are not supported by the Highway Authority and should be omitted from the proposals.

10.73 The view of the Highway Authority is that there are no reasonable meaningful mitigation measures that can be provided at this junction, within the constraints of the adopted highway. Notwithstanding, the development will undoubtedly have some impact on the operation of this junction. The existing signalling equipment is nearing the end of its serviceable life and is due for replacement within the next few years. In-lieu of the proposed mitigation measures the Highway Authority would seek a contribution towards the replacement of signalling equipment at this junction. The level of contribution proposed, to be secured by Section 106 Agreement, is £50,000.

A638 Bradford Road/Hunsworth Lane/Whitechapel Road (Signalised Junction):

- 10.74 The junction has been modelled using LinSig modelling software. Results show that in the 2025 with development scenario the signals will operate over capacity in the AM and PM peak periods. To mitigate this impact the Highway Authority are seeking a contribution for the installation of blue tooth journey time monitoring equipment at the junction and its approaches. The level of contribution proposed, to be secured by Section 106 Agreement, is £15,000.

Chain Bar Roundabout (M62 Junction 26):

- 10.75 In addition to the aforementioned junctions, Highways England requested that, as part of the Strategic Road Network, Chain Bar roundabout (M62 Junction 26) should also be assessed to determine the impact of development traffic on the roundabout. The junction was assessed using a LinSig model provided by Highways England. Following review of this assessment Highways England have confirmed that subject to conditions they offer no objection to the proposal.

Internal Layout/Servicing/Bins:

- 10.76 The internal layout is required to be built to adoptable standards, as set out in the Kirklees Highway Design Guide SPD and Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2019 (version 1) and associated documents.
- 10.77 Review of the latest site layout plan has identified the following issues which need to be satisfactorily addressed to ensure that the layout is suitable for adoption:
- Clarify size of waste collection vehicle used and re-run swept analysis using 11.85m waste collection vehicle
 - Show visibility splays at all junctions
 - Show forward visibility
 - Demonstrate using swept path analysis that the layout provides sufficient width to allow a waste collection vehicle and car to pass.
 - Provide turning head at private drive serving plots 210 to 214
 - Show visitor parking
 - Provide Stage 1 RSA and Designer's Response

Road Safety:

- 10.78 A review of personal injury accidents in the preceding five-year period shows that in the agreed accident study area, which includes Chain Bar Roundabout (M62 Junction 26), there has been 14 incidents. 10 incidents were classified as slight, with 4 being classified as serious and no fatal incidents recorded. Of the 4 serious incidents, all of which occurred at different locations, 3 involved a motorcycle, which is perhaps more of a reflection on the lack of protection and vulnerability of motorcycle riders in collision situations. The fourth serious incident involved a single vehicle and was a loss of control incident with the vehicle leaving the road on a bend and hitting a lamp post, probable causation factor travelling too fast. Of the remaining 10 slight incidents, there were no significant incident clusters, with probable contributory factors being recorded as; failure to look properly, travelling too fast, poor turn manoeuvre, sudden

braking, all of which can be classified generally as driver error and not as a result of any inherent highway design issue.

- 10.79 It is considered that there are no significant accident clusters or trends in terms of either type or location that would warrant further investigation or mitigation and that the proposed development is unlikely to materially exacerbate the current situation.

Sustainable travel

- 10.80 West Yorkshire Combined Authority (WYCA) have been consulted and have recommended that bus stop number 15469 (Hunsworth Lane / Links Avenue) be upgraded to provide Real Time Information display. The cost, to be secured by S106 agreement, would be £10,000.
- 10.81 To encourage the use of sustainable transport and to help achieve the Travel Plan targets it is recommended that the developer provides a sustainable travel fund, which can be used to fund a range of sustainable travel measures such as discounted travel cards and/or measures to improve sustainable travel in the immediate vicinity of the site, for example localised footpath improvements. The sustainable travel fund, to be secured by S106 agreement, is based on the cost of a bus only Residential Metro Card Scheme, which for a development of this scale is £136,571 plus £15,000 Travel Plan monitoring fee.
- 10.82 The Spen Valley Greenway, which forms part of NCN Route 66, runs approximately 800m to the southwest of the site, access to which provides a quality off road cycle route to destinations such as Bierley, Low Moor and Oakenshaw to the north, and Cleckheaton, Liversedge, Heckmondwyke, Dewsbury, Ravensthorpe and Mirfield to the south.

Conclusion on highway issues

- 10.83 The proposal is for 267 dwellings although the Transport Assessment is based on 310 dwellings on the site. Highways Development Management have assessed the Transport Assessment and consider that the traffic generated can be safely accommodated on the local highway network. Off-site highway improvements are nevertheless considered necessary to help to mitigate the impact of the development. These involve a contribution towards replacement signals at A58 Whitehall Road/Hunsworth Lane junction and a contribution for the installation of blue tooth journey time monitoring equipment at the junction of A638 Bradford Road/Hunsworth Lane/Whitechapel Road and its approaches.
- 10.84 Subject to satisfactorily addressing outstanding issues regarding layout, as previously specified, the proposals are considered acceptable from a highway perspective.

Drainage and flood risk issues

- 10.85 The proposed surface water drainage strategy is to discharge to watercourses. The northern part of the site would discharge to Nann Hall Beck and the southern part of the site would discharge to the Hunsworth Beck/River Spen via an existing Yorkshire Water outfall sewer in Hunsworth Lane. Kirklees LLFA consider that the principle of the proposed drainage strategy is acceptable and satisfies the surface water drainage hierarchy.

- 10.86 Surface water would be attenuated within the site in two separate locations and discharged at a restricted rate. Kirklees LLFA consider the proposed discharge rate to be acceptable. Conditions requiring detailed design of the drainage system would be required by conditions, including details of the outfall to Nann Hall Beck.
- 10.87 The site falls within Flood Zone 1 and is therefore at low risk from main river flooding. There is however a concern with the risk of flooding to certain plots from Nann Hall Beck in extreme rainfall events. The main concern relates to Plot 48 and to a lesser extent Plot 47, which are closest to the watercourse. This stems from knowledge of a recent extreme localised rainfall event in the Cleckheaton/Liversedge area that caused river and surface water flooding. Public representations have also provided photographic and video evidence showing the ordinary watercourse flooding the gardens of properties at Mazebrook Avenue to the north of the site (it is understood that this flooding was limited to curtilage and internal property flooding was not experienced).
- 10.88 The applicant is currently seeking to address the concern with the risk of flooding to the development. The applicant has also been asked to ensure that the access points for the proposed attenuation tank adjacent to Nann Hall Beck are not at risk of flooding. Further information on this will be provided within the Agenda Update.
- 10.89 There is an existing surface water ditch to the northern site boundary which is adjacent to 31 Kilroyd Drive, Mazebrook Crescent and the property at the end of Mazebrook Avenue. This watercourse is retained within the layout as a landscaped swale. New properties may be at risk of the swale overflowing if it becomes blocked. The applicant has advised that the swale would be managed and maintained by a management company which would mitigate the potential for blockages to build up. The applicant is also seeking to amend the scheme to provide additional protection to Plot 35, such as through a landscaped bund.
- 10.90 Residents have raised concerns with the proposed discharge of surface water to watercourses and the potential for increased risk of flooding off-site. Paragraph 163 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere when determining any planning applications. At present there is an unrestricted discharge from the site, including to Nann Hall Beck. The development would provide a betterment in that all surface water run-off from the site would be stored and discharged at a restricted maximum rate. The attenuation tanks are to be designed to store the 1 in 100 year storm event plus 30% allowance for climate change. On this basis no objections have been raised by the LLFA in relation to the risk of flooding to existing property.

Yorkshire Water

- 10.91 There is an 800mm diameter public combined syphon sewer recorded to cross the southern section of the site which benefits from an easement. The easement shows an offset stand-off distance of 8 metres in total. The developer is required to ensure that no buildings or other obstructions/landscaping features are to be built within this easement. The site layout plan identifies the easement and Yorkshire Water have stated that the proposed layout indicates that the syphon sewer will be unaffected by the proposals. Yorkshire Water have recommended that a site survey is undertaken to obtain the exact position of the syphon sewer and ensure that the relevant easement on the sewer can be adhered to. A condition regarding this can be imposed.

10.92 Yorkshire Water have also commented that the plans indicate a line of proposed trees to be over/very close to the aforementioned syphon sewer. This is not considered to be acceptable given its operational significance and criticality. Yorkshire Water have advised that no trees are to be planted within at least 5 (five) metres of any of the public sewers crossing the site. A condition specifying this is recommended and can be addressed by the developer as part of the detailed landscaping scheme for the areas of open space (to be secured by condition).

Ecology and trees

10.93 The majority of the site forms part of the Pennine Foothills Biodiversity Opportunity Zone, as identified in the Local Plan. The site principally comprises of low value agricultural grassland however there are a number of hedgerows within the site which have ecological value, including a double hedgerow that is classed as 'important' under the Hedgerow Regulations 1997. This hedgerow is considered to be of district ecological importance.

10.94 The important hedgerow is located to the south west of Merchants Field Farm. The applicant is proposing to translocate the hedgerow to the southern flanks of the site where it would be laid out as 370m of single hedgerow set within an area of open space.

10.95 The reason the applicant is seeking to translocate the hedgerow is to facilitate the construction of the development, particularly given the topographical constraints in this part of the site and the need to provide the access from Hunsworth Lane, which will set the levels of the development plateau. If the hedgerow was retained in its current position it would need to be set within an area of open space to maintain its function and significance, which would constrain the overall layout.

10.96 Officers have carefully considered this matter and whilst it is acknowledged that the ecological importance of the hedgerow would be reduced by it becoming a single hedge rather than a parallel hedge, it is considered that translocating the hedgerow is acceptable. The applicant has provided a method statement which demonstrates that the hedge is capable of translocation and details how the works would be carried out. As part of the works the soil structure around the base of the hedge would also be translocated which would help to maintain its ecological importance. A section of new hedgerow planting is proposed adjacent to part of the translocated hedgerow to form a double hedgerow which would maintain a degree of its existing function as a green corridor.

10.97 A short section (circa 20m) of the existing hedge is shown to be removed entirely. The applicant has advised that this is to accommodate the proposed build route for the development when accessing from Hunsworth Lane. The period of time between the initial root trimming and subsequent relocation works could conflict with the construction of the main estate access road and build route. The 20m section shown as removed, has been mitigated with replacement planting within the site layout. If the construction access is first taken from Kilroyd Drive then the build route timescales may then allow the 20m section of hedgerow to be retained and incorporated into the layout.

- 10.98 The translocated hedge would be planted up initially and any shrubs or trees which fail within the first five years would need to be replaced to enable the translocation to be successful. In addition, any lighting around this part of the site would need to be designed sensitively to ensure the hedge is maintained as an effective dark corridor for wildlife. Control over the long-term retention of the hedgerow is recommended through planning condition or Section 106 Agreement. On this basis officers are satisfied that the importance of the hedgerow would be maintained.
- 10.99 The proposal includes new woodland planting which would improve the woodland interest and enhance the connective function of the Nann Hall Beck corridor. Substantial new hedgerow planting is also proposed within the site which results in a significant net gain in hedgerow coverage. Wildflower rich grassland is provided to a large proportion of the open space and areas within the site are to be provided as rain gardens which would help to create niche habitat for invertebrates and marginal vegetation. Log piles and insect boxes within the areas of open space and bat and bird boxes on the dwellings will also mitigate the impact on biodiversity.
- 10.100 Notwithstanding the above ecological mitigation and enhancement measures, the development results in a net biodiversity loss on the site. To mitigate this loss and deliver an overall net gain to biodiversity, as required by LP30 and the NPPF, the applicant is required to provide a contribution towards off-site ecological enhancement (£111,060).
- 10.101 The impacts of the construction of the development on ecology can be mitigated through a Construction Environmental Management Plan (CEMP), which can be secured by condition.
- 10.102 There is a row of protected trees to the south west of Merchant Fields Farm that adjoin the important hedgerow. These trees are to be retained. There is also a group of protected trees adjacent to the north east corner of the site that sit alongside Nann Hall Beck. These trees would not be significantly affected by the proposed development because they would be located next to an area of open space. A condition requiring an arboricultural method statement is recommended to ensure that these protected trees and any other trees to be retained on the site are protected during construction.
- 10.103 In summary, it is considered that the historic and ecological value of the important hedgerow can be preserved and the impacts of the development on trees and ecology adequately mitigated through the landscaping proposals, the inclusion of the proposed biodiversity features and planning conditions. Furthermore, the development would deliver a net biodiversity gain of 10% through the inclusion of an off-site contribution. The application is considered to comply with Policies LP30 and LP33 of the Local Plan and guidance in the NPPF.

Representations

- 10.104 A significant level of local objection has been received. The main concerns relate to highway matters, flood risk, the impact on biodiversity, harm to residential amenity and the impact on local infrastructure such as schools and medical services. In so far as the concerns raised have not been addressed within this report, an officer response is provided as follows.

- *Loss of Green Belt land*
- *Loss of green space and recreational opportunities*

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

Highways:

- *Request for a Traffic Regulation Order for Kilroyd Drive to prevent the site being used as cut through (rat run) and thus increasing the amount of traffic on Kilroyd Drive beyond that generated by the development alone*

Officer response: Consideration has been given to a TRO on Kilroyd Drive, the effect of which would be to make this road access only. Enforcement of such a TRO would be dependent on the Police who would have to catch vehicles driving from Kilroyd Drive through the site and onto Hunsworth Lane. As such it is unlikely that the TRO could be enforced effectively and would be of very limited benefit. It is considered that the internal layout of the site, which includes several estate road junctions, would serve as an adequate disincentive to use the site as a 'cut through'.

- *Increased pressure on schools and medical service providers. Cumulative impact with other developments must be taken into account.*
- *Inadequate infrastructure and amenities to support the additional housing proposed*

Officer response: The development would provide an education contribution which would meet the education needs generated by the development. The development is not of a scale so that it would justify additional medical facilities or other amenities, even if the application was being assessed with other developments in the area. The delivery of medical services is a matter for those providers, having regard to census data.

- *Land stability/subsidence concerns*
- *Impact of construction on stability of adjacent property*

Officer response: Land stability is a material planning consideration. In this case it is considered that potential land stability issues associated with the legacy of coal mining can be addressed through conditions in line with The Coal Authority comments. The extent of engineering works that would be required close to existing property does not suggest that land stability would be a particularly significant issue in planning terms and could be addressed through the Building Regulations regime.

- *Detrimental impact on property values*

Officer response: This is not a material planning consideration.

- *Power and essential services such as water and gas will be compromised*

Officer response: This is not a planning consideration and is a matter for the developer and utility providers.

- *Boundary dispute in relation to a property at Merchant Fields Farm*

Officer response: This matter has been raised with the applicant and a response will be provided.

- *Concerns with applicant's engagement with local community*
- *Applicant's Statement of Community Involvement is poor and misleading*

Officer response: There is no formal requirement for applicants to engage with a local community although it is accepted to be good practice.

- *How is access to the public footpaths maintained?*

Officer response: The public rights of way within and adjacent to the site are retained as part of the proposed site layout. Existing connections to these public rights of way are not proposed to be altered.

- *Impact on livestock in adjoining fields*

Officer response: It is not considered that adjacent agricultural land would be unduly prejudiced by residential development on the site, which is separated by a landscaped buffer from the nearest open land.

- *There is not demand for this amount of housing*

Officer response: The Local Plan has identified this site for housing and its delivery is necessary towards meeting the housing delivery targets set out in the Plan.

- *Permission has previously been refused for development on the site*

Officer response: There have been no previous applications to develop this site.

- *Development may increase crime*

Officer response: It is considered that this is an unsubstantiated assertion. Reducing opportunities for crime and the fear of crime are material considerations and it is considered that these have been addressed as part of the application. No objections have been raised by the Police Architectural Liaison Officer subject to conditions.

10.105 The fundamental issues which Councillor Kath Pinnock has raised are considered to have been addressed within the report.

Planning obligations

Affordable housing

10.106 Fifty-four affordable dwellings are to be provided on site which equates to 20.2% of the total number of units and is in accordance with Policy LP11 of the Local Plan. A policy compliant tenure split is proposed with 55% social/affordable rent and 45% intermediate housing. The proposed units comprise of a mixture of two and three bed properties and are located in six clusters across the site.

Education

10.107 Policy LP48 of the Local Plan relates to education provision. The Council's Education Service have advised that a contribution of £1,086,099 is required based on 267 dwellings. This is to be spent on priority admission area schools within the geographical vicinity of this site.

Open space

10.108 LP63 of the Local Plan relates to open space provision. Some on-site open space is provided within the site. This includes a community growing area, a kickabout space and play area which would include a trim trail. Full details of the layout of the open space can be secured by condition. The play/recreation area in the southernmost part of the site is on graded land and the proposed

trim trial and other play provision in this area will need to respond to the land levels to ensure that this is usable and accessible open space. Full details of the future maintenance and management of these areas would need to be secured through a section 106 agreement.

10.109 Having regard to the quantum and type of open space proposed on the site, the development triggers a contribution of £150,000 for off-site open space provision. This is principally towards equipped play. There are existing facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision. Suitable sites could potentially be Exchange Street and Hunsworth Rec although this would be determined following consultation with the local community and local councillors once the contribution was provided.

10.110 The applicant is in process of refining the proportions of different open space typologies that are to be provided on the site in response to comments from the Council's Landscape Section. This is likely to result in a small adjustment to the above financial contribution.

Sustainable travel

10.111 As discussed within the highway section of this report, a sustainable travel fund of £136,571 is sought along with Travel Plan monitoring fee of £15,000 plus a £10,000 contribution towards the upgrade of a bus stop in the vicinity of the site.

Other contributions

10.112 Other contributions sought are £65,000 towards off-site highway works and a contribution of £111,060 to deliver a net biodiversity gain – as discussed earlier in this report. A contribution towards air quality mitigation measures totalling £152,378 is also required, as discussed later in this report.

Other Matters

10.113 The application site falls within the defined Development High Risk Area for coal mining. The Coal Authority records indicate that shallow coal mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining is likely to have taken place. Records also indicate that there are four mine shafts present within the application site.

10.114 Three mine shafts have been located within the eastern part of the application site and these were found to be filled. The shafts have been accommodated in an area of proposed public open space, away from residential plots and separate to surface water attenuation tanks. The applicant is proposing to remediate the shafts, with the shaft columns being fully grouted and reinforced concrete caps installed across the shafts. This is acceptable to The Coal Authority.

10.115 A fourth coal mining feature has been located in the western part of the site. Assessment by the applicant indicates that it is likely that the feature relates to surface extraction of coal at outcrop rather than a true shaft to deeper coal seams. No specific further works are proposed in respect of this mine entry. This feature is located adjacent to the proposed access off Hunsworth Lane. The plotted position of the shaft appears to be accommodated in an area of

proposed landscaping/open space on an embankment to the north of the proposed new junction. Assuming that the feature was a true shaft (as suggested by the Coal Authority records), based on calculations included in the original Geoenvironmental Appraisal, the potential zone of influence of the shaft would not appear to extend to the proposed new junction and highway.

- 10.116 However, The Coal Authority notes that the previous investigations were only able to partially investigate the potential departure distance for the shaft, which equates to a c.10m radius from its plotted position. As such, the Coal Authority concurs with the recommendation of the original Geoenvironmental Appraisal that further works should be undertaken to locate the shaft or to prove that it is not present within the site/relates to surface extraction of coal, along with the undertaking of any necessary remedial treatment or mitigatory measures to ensure the stability of the site.
- 10.117 The Coal Authority raises no objection to the application subject to conditions requiring further investigation of the coal mining feature identified adjacent to the proposed access off Hunsworth Lane and remedial stabilisation works to the three shafts identified in the eastern part of the site. A condition is also recommended regarding validation of the remediation works.
- 10.118 Conditions relating to land contamination are recommended by Kirklees Environmental Services (intrusive site investigation report, remediation strategy and validation).
- 10.119 The Police Architectural Liaison Officer raises no objections to the application. This is subject to the imposition of a condition requiring revised details of the treatment of the rear plot boundaries where dwellings have shared rear access paths; this is to enhance natural surveillance of these areas (alternatively different security measures to these plots would be needed such as enhanced glazing and locks). A condition regarding suitable provision of lockable garden gates is also recommended along with the provision of external lighting to the shared private driveways in the form of Dusk to Dawn lighting on the front elevations of all properties that are located off the unadopted private drives. It is advised that the maintenance programme for the open space, especially in the area of the trim trial, should have regard to natural surveillance, for example keeping the trees and vegetation within recommended heights. It is also advised that the bench to the front of plot 165 is relocated so it is not close to dwellings or vehicles and well overlooked.
- 10.120 To mitigate the impact of construction on the local community, conditions are recommended requiring construction management plans which would deal with highway safety and residential amenity issues. The highway construction management plan reflects the advice from Highways England as well as Highways Development Management. A condition requiring a phasing plan for the construction of the development is also recommended which will also assist in this regard.

Air Quality

- 10.121 The application is accompanied by an Air Quality Assessment which includes the impact of the development during both the operational and construction phases. For the construction phase a qualitative assessment of dust levels was undertaken based on the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. For the operational

phase detailed dispersion modelling using ADMS-Roads was undertaken in accordance with national guidance to predict future concentrations of particulates (PM10) and Nitrogen Dioxide (NO2) across the site.

10.122 The report concludes that during the construction phase predicted fugitive dust emissions would be negligible, however any impact could be further reduced by the implementation of the mitigation measures proposed within the report. For the operational phase the report concludes that predicted NO2 and PM10 concentrations would be below the national air quality objectives for those pollutants at all sensitive receptor locations, and therefore the traffic generated because of the development is predicted to have a negligible effect on local air quality.

10.123 Notwithstanding the above, as the development is classified as major development and to accord with the West Yorkshire Low Emission Strategy (WYLES), a damage cost calculation has been provided to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with DEFRA guidance current at the time and provides a five-year exposure value to the sum of £152,378. The contribution is to be used by the Local Authority to spend on air quality improvement projects within the locality. In addition, the following mitigation measures are also required:

- Provision of Electric Vehicle (EV) charging points;
- Sustainable travel fund (Metro Cards or alternative sustainable travel measures)
- Production of a full Travel Plan to encourage the use of non-transport modes and assist with the reduction of development transport related emissions;
- Monitoring of the Travel Plan

10.124 Subject to the above, Kirklees Environmental Services have advised that the impact of the development on air quality is acceptable.

Climate change

10.125 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.126 As part of this application a Travel Plan to encourage the use of low emission forms of transport is to be provided along with a sustainable travel fund as referenced earlier within this appraisal. The development provides good connectivity to the existing PROW network which will encourage walking as well providing good connectivity to Hunsworth Lane where the nearest bus stops are located. Electric vehicle charging points are also to be provided. These measures will help to mitigate the impact of this development on climate change.

11.0 CONCLUSION

- 11.1 The principle of residential development on the site is in accordance with the land's allocation in the Local Plan.
- 11.2 It is considered that the proposal represents a well-designed scheme that provides a high quality of design, including open space and good connectivity and permeability. The development is not policy compliant in terms of density and there is not an even mixture of property types/sizes, however, these issues are outweighed by the positive elements of the scheme as a whole.
- 11.3 The development would boost the supply of housing in the District, including 54 affordable dwellings. All the proposed dwellings would meet Nationally Described Space Standards.
- 11.4 The traffic associated with the development can be accommodated on the highway network although the contributions sought to improve nearby junctions would help to mitigate the effects of this.
- 11.5 The development would deliver a full education contribution and measures to promote sustainable travel as well as bus stop improvements. The impacts of the development on biodiversity and air quality impacts can be mitigated through financial contributions.
- 11.6 Further information will be provided in the Agenda Update regarding the outstanding internal highway layout and flood risk issues discussed within the appraisal.
- 11.7 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

- 1. Time limit to implement the permission (3 years)
- 2. Development to be provided in accordance with the approved plans
- 3. Phasing of the development
- 4. Full details of the landscaping to the open space including layout, levels and play provision
- 5. Highway construction management plan
- 6. Construction management plan for residential amenity
- 7. Construction Environmental Management Plan for biodiversity
- 8. Arboricultural method statement
- 9. Temporary drainage scheme for the construction phase
- 10. Detailed design of the proposed surface water drainage strategy
- 11. Detailed highway layout design
- 12. Detailed design of all highway retaining structures
- 13. Full Travel Plan
- 14. Suite of contaminated land conditions (site investigation, remediation, validation)

15. Electric vehicle recharging points (1 per dwelling)
16. Removal of permitted development rights for rear extensions and roof extensions on plots 243-246 and 251-257
17. Coal Authority conditions (further investigation of the coal mining feature adjacent to the proposed access off Hunsworth Lane, remedial stabilisation works to the three shafts identified in the eastern part of the site and validation of these works)
18. Police Architectural Liaison conditions (boundary treatment, gates, lighting)
19. Biodiversity Management Plan (to include measures for the translocated hedgerow)
20. Details of any external lighting that could affect the translocated hedgerow
21. Survey of the Yorkshire Water syphon sewer
22. No planting over or close to the Yorkshire Water syphon sewer
23. Provision for waste storage and collection

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93303>

Certificate of Ownership – Certificate B signed. Notice served on Mr Mark, John, Harold and Robert Smith.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

**Subject: Planning Application 2021/90376 Erection of external lighting
Spenborough Pool and Sports Complex, Bradford Road, Littletown,
Liversedge, WF15 6LW**

APPLICANT

Kirklees Council

DATE VALID

04-Feb-2021

TARGET DATE

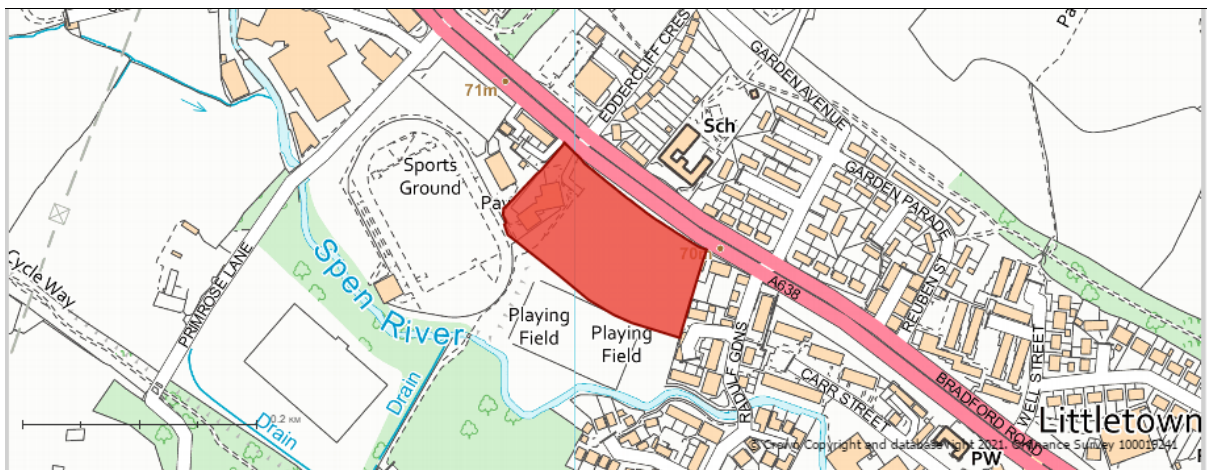
01-Apr-2021

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought to the Strategic Planning Committee as the area of the application site exceeds 0.5 hectares, this is in accordance with the Council's Scheme of Delegation set out in the Constitution. It is also noted that the application is submitted on behalf of the Council.

2.0 SITE AND SURROUNDINGS:

2.1 The application site extends to 1.466 ha, and was previously occupied by the Spenborough Fitness Complex (now demolished). The Spen Valley Leisure Centre is currently under construction on the site.

2.2 The site is bounded to the north east by Bradford Road (A638) and to the south by existing playing fields which are bordered by the Spen River. To the east of the site are a mixture of two storey semi-detached and detached residential dwellings on Upper Carr Street and Radulf Gardens. To the west of the site are two storey terraced dwellings fronting Bradford Road with the athletics track pavilion to the rear.

2.3 Vehicular access is taken from the North West of the site from Bradford Road.

3.0 PROPOSAL:

3.1 Full Planning Permission is sought for the installation of external lighting associated with the Spen Valley Leisure Centre. This would comprise a series of 20 lighting columns to the front, side and rear of the new building, in addition to lighting to the external elevations of the building. The proposed lighting columns would vary in design dependent upon the nature of the external areas which they are to illuminate.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2021/90373 - Discharge conditions 3, 7, 16 on previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre – pending consideration

2021/90369 – Non material amendment to previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2020/92195 - Discharge conditions 3, 14, 15 on previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2020/90352 - Discharge of conditions 3 (part), 4, 5 (part), 6 to 10, 13, 18 and 19 of previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2019/91949 - Demolition of existing fitness complex and erection of Spen Valley Leisure Centre Spenborough Fitness Complex granted (implemented)

2019/92005 Prior notification for demolition of building – Granted under Reg.4 General Regulations

2019/91160 Erection of fence – Granted under Reg.4 General Regulations

2015/91872 Erection of modular extensions and associated works to Spenborough Fitness Complex – Granted under Reg.4 General Regulations

2004/93509 Formation of a skate park and associated work – Granted under Reg.4 General Regulations

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

5.1 Throughout the course of the application, additional technical information was received from the applicant in respect of the luminance of the proposed lighting columns. An amended site layout plan was also received indicating the removal of one of the lighting columns following receipt of comments from the Council's street lighting team.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Sustainable Development
LP 21 – Highway Safety and Access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and Geodiversity
LP 47 – Healthy, active and safe lifestyles
LP 48 - Community Facilities
LP 50 – Sport and Physical activity
LP 52 – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highway Design Guide Supplementary Planning Document

National Planning Guidance:

- 6.4 Chapter 8 – Promoting health and safe communities
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notice, press advert and neighbour notification letter.

7.2 As a result of site publicity, four representations have been received. The concerns raised are summarised as follows:

- Concern regarding impact of increased lighting in the vicinity of the eastern boundary close to the bin store
- Concern regarding the impact of increased lighting on habitable and non-habitable rooms of neighbouring residential properties, and query the need for 2 lighting columns at the same point
- The trees in that vicinity are home to numerous birds and various species of wildlife, this extra light may have an adverse effect on them
- Site is within a Flood Risk Area; water level recently reached beyond the site perimeter fence of the new car park, which should be taken into consideration in relation to the lighting on the perimeter fence
- Queries in relation to the siting, design and emptying of the bin store
- Request that the lighting is solar powered and environmentally friendly

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses, where relevant, these have been expanded on further in the appraisal section of this report.

8.1 **Statutory:**

KC Environmental Services: The lighting scheme is generally acceptable; a condition is necessary to ensure that the lighting is installed and operated in accordance with the submitted details.

KC Highways DM: No objections following removal of lighting column closest to site entrance. No conditions required.

8.2 **Non-statutory:**

Crime Prevention: The proposed lighting for the site is sufficient and proportionate to cover the car park and building access points.

KC Ecology: No objections; the nearby Wildlife Habitat Network is located an adequate distance from the site and would not be significantly impacted upon by the proposed lighting scheme.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP 1 of the Kirklees Local Plan states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.2 A new Leisure Centre and fitness complex is currently under construction on the site, following demolition of the former Spenborough Sports Centre and fitness complex. The application seeks permission for the installation of external lighting associated with this.
- 10.3 The application has no specific allocation within the Kirklees Local Plan. As such, Local Plan Policy 24 of the KLP is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. Policy LP 52 is also relevant in relation to the protection and improvement of environmental quality. All the considerations are addressed within the assessment. Subject to these not being prejudiced, the proposals would be considered acceptable in principle.

Urban Design issues

- 10.4 Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).
- 10.5 The new Leisure Centre and fitness complex on the site was approved by the Strategic Planning Committee in July 2019 and is currently under construction. The proposed external lighting would be located to the front sides and rear of the new building, within the external parking and servicing areas, in addition to the external elevations of the building itself.

- 10.6 The design of the Leisure Centre building is functional and modern and located within an area of varied character. The proposed external lighting would also be of a functional design, allowing the building to be used efficiently and safely. As the site is set down from Bradford Road by approximately 3m, it is considered that the proposed lighting scheme would not detract from the character of the area, particularly taking into account the main road location and presence of existing street furniture. On this basis, the proposals are considered to accord with Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the NPPF.

Residential Amenity

- 10.7 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Policy LP 52 of the KLP (Protection and Improvement of Environmental Quality) states that where possible, all new development should improve the existing environment. In respect of artificial lighting, para. 18.19 of the KLP advises that it is important to ensure that it does not become a nuisance to others.
- 10.8 The application site is located adjacent to residential properties on Bradford Road and Radulf Gardens to both the east and west, in addition to the north, separated by Bradford Road.
- 10.9 No. 164 Bradford Road is a two storey, semi-detached dwelling located to the North East of the application site. The dwelling has large garden which extends along the eastern boundary of the site. Numbers 8 and 10 Radulf Gardens are two storey detached dwellings located along the eastern boundary of the site. The new leisure centre building is located 20m to the boundary from the north east corner of the building and 24m from the East boundary adjacent to 8 Radulf Gardens. The area directly adjacent the building to the east is to be used as the service yard and staff parking area, with 2 lighting columns proposed, one to the north and one to the east of this area.
- 10.10 The submitted information advises that the car parks, the ramp and service area are all to be illuminated to 20 lux in accordance with recommendations set out in BS5489. The proposed luminaires and design will minimise stray light beyond the boundary and the vertical luminance caused by the lighting at nearby residential properties will be a maximum of 1 Lux which is within the recommendations for an area of this nature. It is considered that the proposed new lighting, by virtue of its design, will control stray lighting more effectively than the previous lighting on the site. Glare from the lighting will be minimised by the flat glass design of the luminaires with zero upward light and with recessed LEDs.
- 10.11 Whilst no details of the times of operation of the lighting have been provided, a condition is recommended to ensure that the lighting is not operated between dawn and dusk, and no longer than 30 minutes before and 30 minutes after the premises are open to customers. Subject to this and other conditions ensuring the maximum luminance of the lighting scheme the proposals are considered acceptable from a residential perspective, and would accord with Policies LP 24 and LP 52 of the KLP and guidance contained within Chapters 12 and 15 of the NPPF.

Highway Issues

- 10.12 The application site is located on the A638 Bradford Road and the new access to the redeveloped site is to be in a similar position to its previous location.
- 10.13 Through the course of the application, an amended site layout plan has been received which shows the removal of the external lighting column closest to the junction of Bradford Road and the Leisure Centre and Fitness Complex. Concerns had previously been raised by the Council's Street Lighting Team that the location of the lighting column in question would conflict with existing street lighting columns on Bradford Road.
- 10.14 Following receipt of the amended plan, the proposals are considered to be acceptable from a Street Lighting and Highways Safety perspective, in accordance with Policy LP 21 of the KLP.

Representations

- 10.15 The representations received are addressed as follows:

Concern regarding impact of increased lighting in the vicinity of the eastern boundary close to the bin store

Response: The impact of the lighting on neighbouring residential properties has been assessed by KC Environmental Services and concluded to be acceptable

Concern regarding the impact of increased lighting on habitable and non-habitable rooms of neighbouring residential properties, and query the need for 2 lighting columns at the same point

Response: The impact of the lighting on neighbouring residential properties has been assessed by KC Environmental Services and concluded to be acceptable

The trees in that vicinity are home to numerous birds and various species of wildlife, this extra light may have an adverse effect on them

Response: The site is located approximately 100m from a wildlife habitat network to the south. This distance is considered to be acceptable to ensure there is no adverse impact upon the network. In relation to the trees around the boundaries of the site, the Council's Ecologist considers the impact of the lighting to be negligible, taking into account the urban nature of the environment, existing/previous lighting on the site and the street lighting along Bradford Road.

Site is within a Flood Risk Area; water level recently reached beyond the site perimeter fence of the new car park, which should be taken into consideration in relation to the lighting on the perimeter fence

Response: This is noted.

Queries in relation to the siting, design and emptying of the bin store

Response: The bin store does not form part of this application, but was considered at the time of the original application for the new Leisure Centre and Fitness Complex.

Request that the lighting is solar powered and environmentally friendly

Response: The proposed lighting scheme would utilise LEDs, which replace the previous traditional lighting method, resulting in greater energy efficiency. The Leisure Centre Building itself will incorporate renewable technology in the form of photovoltaic roof panels.

Other Matters

Ecology

- 10.16 The site is located approximately 100m from a wildlife habitat network to the south. This distance is considered to be acceptable to ensure there is no adverse impact upon the network. In relation to the trees around the boundaries of the site, the Council's Ecologist considers the impact of the lighting to be negligible, taking into account the urban nature of the environment, existing/previous lighting on the site and the street lighting along Bradford Road. On this basis, the proposals would accord with Policy LP 30 of the KLP and guidance contained within Chapter 15 of the NPPF.

Climate Change Emergency

- 10.17 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.18 The proposed lighting scheme would utilise LEDs, resulting in improved energy efficiency compared to the previous lighting scheme for the site prior to redevelopment. This in conjunction with renewable technologies forming part of the new Leisure Centre and Fitness Complex itself would contribute to the above aims of the Council.

Crime Prevention

- 10.19 The proposed lighting for the site is sufficient and proportionate to cover the car park and building access points. The Council's Crime Prevention officer has no objections to these lighting details, although has drawn the applicant's attention to making sure that the proposed CCTV system is matched to the lighting plan using a specialist CCTV supplier.

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 proposed lighting scheme would enhance previously approved improved facilities for indoor sport and physical activity, catering for the needs and demands of a diverse community. Any potential impacts arising from the proposals can be mitigated by condition.

11.3 This application has been assessed against the relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development to commence within 3 years
2. Development built in accordance with approved plan
3. The maintained average horizontal illuminance of the areas being lit shall not exceed 20 lux
4. The vertical illuminance caused by the operation of the lighting at windows of nearby properties shall not exceed 1.0lux.
5. The lighting shall not be operated between dawn and dusk and also no longer than 30 minutes before and 30 minutes after the premises are open for customers

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90376>

Certificate of Ownership – Certificate A signed: 1 February 2021

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2020/93237 Erection of detached outbuilding and formation of raised patio 61, Celandine Avenue, Salendine Nook, Huddersfield, HD3 3US

APPLICANT

A Hussain

DATE VALID

20-Oct-2020

TARGET DATE

15-Dec-2020

EXTENSION EXPIRY DATE

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

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

Location Plan



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought before Strategic Planning Committee for determination in accordance with the terms of the Scheme of Delegation as the proposal is deemed to be a departure from the development plan as the site is within an area allocated as urban green space (UGS) of the Kirklees Local Plan.

2.0 SITE AND SURROUNDINGS:

2.1 No.61 Celandine Avenue is a semi-detached two storey brick, render and tile dwelling which has a garden to the front and rear, with a driveway running along the side. The main elevation faces north-east. It is situated within a neighbourhood consisting of more houses of the same type.

2.2 Adjacent to the south-western boundary of the property is a field used for informal recreation. To the south-east is further open land consisting mainly of maintained grass, trees and shrubs which serves as additional amenity space for nos. 41-61 Celandine Avenue, with the upper (north-western) parts generally appearing more domesticated with more boundary markers, planting and structures.

2.3 This application concerns a plot of land measuring 19 by 12m within this maintained open area adjacent to no. 61's curtilage and the field. Additional open grassland further to the south-east is shown to be within the applicant's ownership but does not form part of the application site. The boundary with the recreational field is formed by a low dry stone wall. A small greenhouse has been erected in the upper part of the site adjacent to no. 61's curtilage boundary, which is marked by a timber fence.

3.0 PROPOSAL:

3.1 The proposal is for the erection of a raised patio and single-storey detached outbuilding located near the north-eastern boundary of the site. The patio would measure 14m by 7m. The outbuilding would have a footprint of 6.0m by 5.0m and be 2.5m high with a flat roof. The walling materials would be vertically-boarded timber, with brick footings. The surfacing materials for the patio are unspecified. The patio would be raised by approximately 500mm at its highest point above natural ground level, which is its south-eastern edge.

3.2 A start was made on the development last year before the application was made, the applicant at the time being under the impression that planning permission was not required. The footings of the patio have been largely completed but since the application was submitted no further work has been done.

3.3 The building would be internally divided, the south-eastern part being a sun lounge and the north-western part being used for the storage of tools in connection with the applicant's work (as a builder). The window openings would face north-west, south-east and south-west, with the north-eastern elevation being a solid wall.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 There is no planning history for this site. The following application has been received which affects the original dwelling and its curtilage, and is as yet undetermined:

2020/93150 – Erection of two-storey side and rear extensions to dwelling.

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

5.1 15-Mar-2021: Amended plans submitted to clarify the scale and nature of the works, in particular the patio. These were not subjected to new publicity since owing to the scale and nature of the works proposed they were not considered to raise substantial new planning issues.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

The site is within land designated as urban green space on the Local Plan proposals map.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 24** – Design
- **LP 61** – Urban Green Space

6.3 Supplementary Planning Guidance / Documents:

No Supplementary Planning Documents are deemed to be relevant here.

6.4 National Planning Guidance:

- Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity expiry date 14-Jan-2021. Publicity was undertaken by site notice and press advertisement in addition to neighbour notification letters because the proposal was deemed to be a departure from the adopted plan.

7.2 Three representations have been received, objecting to the proposal. The concerns raised are summarised below:

- Contrary to urban green space policy
- Harm to visual amenity
- The size and nature of the tool store suggests a commercial not a residential use
- It lies outside the original curtilage and would go against the restrictive covenant which only allows a greenhouse, garden shed or summerhouse
- It could set a precedent for further proliferation of such buildings
- The footings have already been laid for a much larger building than is shown on the drawings
- The size of the building and stated mains service connection suggest a potential for future change of use by stealth
- There is an undetermined proposal for extensions to the dwelling, and taken together, they would represent an over-intensification of the site
- The application refers to the building being screened by hedges, but currently all hedges are on neighbour's land.
- Any new hedging should be limited to a maximum of 8 feet in height and the type of hedging specified in the interests of visual and residential amenity
- The building will give rise to obstruction of light into garden
- The building will result in loss of views
- The installation of a sewer will give rise to odours and affect enjoyment of neighbouring garden land
- Part (15) of the application form not completed [trees or hedges adjacent to the proposed development]
- The existing land is untidy and this does not bode well for the period of construction.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received, where appropriate, these have been expanded on further in the appraisal section of this report.

8.1 Statutory:

None

8.2 Non-statutory:

KC Planning Policy – The proposal is contrary to LP61 because it has not been demonstrated that the land is surplus to requirements in the Kirklees Open Space Study.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site lies within land designated urban green space (UGS) on the Local Plan proposals map. The site is not within the recognised domestic curtilage of no. 61 and therefore cannot benefit from permitted development rights. Under Policy LP61 of the KLP, development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:
- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
 - b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
 - c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- 10.2 Criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open spaces use being proposed as part of the application.

- 10.3 As for criterion (a), it has *not* been clearly demonstrated that the land is no longer required to meet local needs for open space, sport, or recreational facilities. The application site forms part of a larger open space (site OLS 736 – ID 129) categorised as allotments/food growing land in the Kirklees Open Space Study (KOSS) 2016 based on existing and previous allotment/food growing use. The open space was assessed in the KOSS as having medium value as open space and was not identified as being surplus to requirements. There is also a deficiency of allotment provision in the Golcar ward. The safeguarding of existing allotments, and the creation of new ones where practicable, plays a role in helping to deliver public health goals as set out in Policy LP47 by providing opportunities for outdoor exercise and lower-cost healthy eating. So, the planning implications of the loss of allotments, or land earmarked for such a use, must be carefully considered.
- 10.4 Given that this urban green space allocation is in multiple private ownership, there would appear to be very little prospect of the historic allotment use being resumed in the near future. Any resumption of the allotment use on part or all of this urban green space allocation would presumably depend upon compulsory purchase. Even if this were to happen, it is considered that the proposed development would not significantly compromise the potential of the wider allocation to be used as allotments.
- 10.5 As previously stated, and as can be corroborated by observations from aerial photographs, the upper, or north-western part of the urban green space allocation, consisting of approximately the first 20m back from the established rear garden boundaries of 41-59 Celandine Avenue, is more heavily domesticated, with a number of small lightweight outbuildings and other structures, although it is noted that these are relatively small, consisting of garden sheds and greenhouses. The remaining, and larger, part of this allocation is generally more open. While most of the ownership strips are maintained as lawn as if used for private amenity space, they lack hard or permanent boundary treatments, the boundaries being marked, if at all, by hedgerows or intermittent trees and shrubs, and few buildings can be seen.
- 10.6 It is considered that the wider open space allocation, of which the application site forms part, makes a positive contribution to local amenity owing to its openness and the presence of mature trees. An unlimited proliferation of outbuildings, especially in the more open south-eastern part, and if built in brick or other permanent materials, would be undesirable as it would lead to increased domestication and loss of visual amenity. However, it is considered that the formation of a raised patio and the erection of a timber outbuilding in this specific location would not detract from amenity or the quality of the landscape. It is noted that the proposed building, being about the same length as a standard double garage and almost as wide, would be larger than most other structures on the urban green space, but it is considered that its footprint, height and design would not lead to an urbanising effect on its surroundings. The patio, it is noted, would only be raised significantly at its south-eastern extremity, and therefore would not seem a particularly prominent or incongruous feature within the landscape.
- 10.7 According to the Design & Access Statement, the storage element of the building would be used in connection with the applicant's work. In general, it is an accepted principle of the planning system that a householder can operate a business from their home address, whether from the dwelling itself or from an outbuilding, provided that it does not give rise to a material change in the

residential character of the premises (for instance, by reason of noise, odours, or additional vehicular trips to or from the premises). In such circumstances the business use is considered to be incidental to the enjoyment of the dwelling house. In this case, the proposed building is outside the recognised domestic curtilage and would therefore require planning permission whatever the proposed use but, given the small scale of the business-related element (approximately 15sqm of floorspace), it is considered that it could be deemed incidental to the enjoyment of the dwellinghouse and its associated land. It would use the same access to the highway as the existing dwelling. It is considered that the proposed development would not materially change the residential character of the area.

10.8 To conclude, the proposed development does not comply with Policy 61(a) of the KLP in that it would amount to permanent built development on land that is designated as urban green space and has not been shown to be surplus to requirements for open space, sport, or recreational facilities locally. However, for the reasons set out above, it is considered that, in this instance, it can be allowed contrary to the Policy since it would not result in a loss of useable open space and would not give rise to a detrimental impact upon visual amenity or the wider landscape, subject to the condition as set out in the paragraph above.

10.9 Any implications for biodiversity will be considered later in the report.

Urban Design issues

10.10 It is considered that the scale and design of the proposed building, which would be constructed in lightweight materials, would not detract from the character of the landscape or townscape and would comply with the aims of LP24(a) of the KLP and chapter 12 of the NPPF.

Residential Amenity

10.11 The windows would face north-west and south-east on to the applicant's own land, or south-west towards the field. No windows would face towards neighbouring land belonging to another residential property. The building would be placed on or very close to the boundary with land belonging to 59 Celandine Avenue and used by the occupants as additional recreational space but it is considered that the scale and height of the building, taking into account that it would be slightly raised above natural ground level, would not be such as would give rise to an overbearing impact upon them. For the avoidance of doubt it is recommended that it be conditioned that no window or other openings be formed in the north-eastern elevation. Subject to this it is considered that it would not give rise to any loss of residential amenity and would accord with the aims of policy LP24(b) of the KLP.

Landscape issues

10.12 As set out in paragraphs 10.5 - 10.8 above, it is considered that the proposal would not have an undue impact on the wider landscape.

Highway issues

10.13 On the basis that the building is to be used for purposes incidental to the enjoyment of the dwelling house as such, it would not give rise to any material implications for parking or the safe use of the public highway. As a

precautionary measure it is recommended it be conditioned that the building must not be sold or let separately to the original dwelling, since independent use might result in increased parking demand that could not be accommodated within the site. Subject to this it would accord with the aims of policies LP21 and LP22 of the KLP.

Drainage issues

- 10.14 The site is not located within land that is known to be at risk of flooding. The formation of a patio could result in increased water run-off. The application form (Part 12) indicates that there would be a connection made to the existing main sewer. Given the scale of the development this is not considered to raise significant issues as the overall contribution to run-off would be slight.

Representations

- 10.15 Concerns about the overall appropriateness of the development, and its impact on visual and residential amenity, have been assessed in the main part of the appraisal but are highlighted here with other issues raised.

Contrary to urban green space policy

Response: For the reasons set out in detail earlier in this report, it is considered that the development can be allowed despite not being in accordance with the aims of Policy LP61 of the KLP.

Harm to visual amenity

Response: For the reasons set out earlier in the report, it is considered that the development would not be harmful to visual amenity.

The size and nature of the tool store suggests a commercial not a residential use

Response: It is considered that the development can be classed as incidental to the use of the dwelling house.

It lies outside the original curtilage and would go against the restrictive covenant which only allows a greenhouse, garden shed or summerhouse

Response: It is noted that the proposed development lies outside the original curtilage. The enforcement of restrictive covenants is a private matter and is not a material planning consideration.

It could set a precedent for further proliferation of such buildings

Response: Any future applications on this urban green space allocation would be assessed and determined on their own merits.

The footings have already been laid for a much larger building than is shown on the drawings

Response: The footings are for a patio – this was not clear on the original submission documents.

The size of the building and stated mains service connection suggest a potential for future change of use by stealth

Response: The size of the building means it is unlikely to be able to function as a dwelling. In the event of any future application for change of use being made, it would be assessed on its own merits.

There is an undetermined proposal for extensions to the dwelling, and taken together, they would represent an over-intensification of the site

Response: The site is not within the original curtilage of no. 61, which is itself on land without designation, not urban green space. The two applications will therefore be considered separately. The final assessment of the extension proposal (2020/93150) will be considered having regard to the overall scale of the extensions and whether they would amount to overdevelopment within the curtilage.

The application refers to the building being screened by hedges, but currently all hedges are on neighbour's land. Any new hedging should be limited to a maximum of 8 feet in height and the type of hedging specified in the interests of visual and residential amenity

Response: The 3-D visual shows a hedge adjacent to the boundary. It is assumed that this is meant to represent the boundary treatments on the neighbouring land (which are in fact some low-level planting and a low timber fence) and not a proposal for new planting on the applicant's land, which would be impracticable owing to the lack of space between the new patio and the boundary. It is therefore not being assessed as part of the proposal. Any new planting that the developer may consider in the future will be limited by the high hedge legislation and does not need to be controlled by a specific condition.

The building will give rise to obstruction of light into garden.

Response: It is considered that the scale and design of the proposal would not give rise to any significant loss of amenity arising from obstruction to light.

The building will result in loss of views.

Response: Obstruction to a private view is not a material planning consideration.

The installation of a sewer will give rise to odours and affect enjoyment of neighbouring garden land

Response: The application form says that disposal both of surface and foul water drainage is to be by the main sewer. It does not explicitly say that a new sewer will be required for the new development, but new drainage connections for domestic outbuildings are normally covered by the Building Regulations, to which the applicant would have to conform.

Part (15) of the application form not completed [trees or hedges adjacent to the proposed development]

Response: There are no trees close to the site that are considered to have high amenity value so this omission is not considered to be significant.

The existing land is untidy and this does not bode well for the period of construction.

Response: The scale and nature of the proposal is such that the construction works are likely to be of short duration and not give rise to a large amount of waste.

Other Matters

- 10.16 The site is not under any special designation for wildlife conservation. The site is unlikely to have significant biodiversity value in its present condition and owing to the scale and nature of the development proposed, there are unlikely to be opportunities for enhancement.

10.17 *Climate Change*: On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.18 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. Since the proposal is for development incidental to the enjoyment of an existing dwelling house within a sustainable location, it is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

11.0 CONCLUSION

11.1 It is considered that the development, subject to conditions, would have no adverse impact upon visual amenity, residential amenity, highway safety, or the natural environment. Whilst it would not be compliant with the wording of Policy LP61 it is considered in this instance that the loss of urban green space would be insignificant and would have no material impact upon the availability of open space, sport, or recreational facilities for the public. It is therefore considered that it can be granted planning permission as a departure from the adopted plan.

11.2 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. 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 it is therefore recommended for approval.

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

1. Development to be carried out in accordance with the plans and specifications
2. Facing and surfacing materials for the patio?
3. No window or other openings to be formed in the north-eastern side elevation.
4. The building shall not be let, sold or separated from the main dwelling of 61 Celandine Nook

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93237>

Certificate of Ownership –Certificate A signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2020/93810 Construction of overspill car park and regrading of land (engineering operation) The Eden Centre, 35, Dryclough Road, Crosland Moor, Huddersfield, HD4 5HY

APPLICANT

Dr A Manzoor, The Eden
Foundation

DATE VALID

05-Jan-2021

TARGET DATE

02-Mar-2021

EXTENSION EXPIRY DATE

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

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

Location Plan



Map not to scale – for identification purposes only

Electoral wards affected: Crosland Moor and Netherton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought before Strategic Planning Committee for determination in accordance with the terms of the Council's Scheme of Delegation as the proposal is deemed to be a departure from the Development Plan because the site is located within a designated area of urban green space (UGS) of the Kirklees Local Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a large detached building used for educational and community purposes, and associated land. The building is two-storey, built in stone with a blue slate roof, and occupies a corner site, the two main elevations facing towards Dryclough Road and Walpole Road. It is surrounded on all sides by a substantial tarmac area which is mainly used for parking and for the circulation of vehicles.

2.2 To the north is an extensive tract of open undeveloped land which extends roughly 600m from Dryclough Road in the west to Nabcroft Lane in the east and provides opportunities for public informal recreation. It mostly comprises maintained grassland. The land affected by the current proposal is a small area of banking adjacent to the existing curtilage of the Eden Centre which consists of long grass, scrub and small trees.

3.0 PROPOSAL:

3.1 The proposal is for the creation of an overspill parking area to the north of the existing premises. It would provide 8 additional spaces which would be accessed from the existing car park and would measure approximately 11m by 30m.

3.2 It would be supported by a retaining wall which would be a maximum of 5m high vertically, angled back at about 15 degrees from the vertical, and gradually diminishing in height westwards until the parking area meets natural ground level at the highway end. The wall would be of crib construction – this is a type of vertical lattice made of timber or polymers which will allow plants to grow within the spaces in between the frame members. The parking spaces would be surfaced in grasscrete or a reinforcement grid.

3.3 The applicant has submitted a statement providing additional justification for the proposal and explaining why it is required. The main points raised are:

- Concerns about the future stability of the perimeter wall of the existing car park;
- It will allow increased use of the site in order to facilitate current activities and promote expansion of the tuition centre, nursery, supplementary school, community centre, foodbank, which will bring community benefits
- Reducing congestion on the highway and allow additional drop-off space;
- The car park can also be used by local schools and by other community groups (e.g. for fund-raising events);
- Kirklees have identified the site as a possible future polling station;
- The centre intends to landscape the wider area to use it for gardening and well-being sessions for the local community.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2013/90209 – Change of use of former public house to form community, education and social centre. Approved.

2016/91641 – Change of use of upper floors of building to community and education use. Approved (to be discontinued 12 months after the date of the permission, i.e. 26-Jul-2018).

2018/92749 – Variation of conditions discontinuance of use, 4 Commencement date / hours of operation, 6 parking / access arrangements, on previous permission. 2016/91641. Approved. New condition 1 says it is to be discontinued no later than 26th July 2019.

2019/92503: Change of use of upper floors of the building to community and educational use. Permanent permission granted.

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

5.1 Applicant was asked to provide further explanation of why the development was deemed necessary and what benefits it would provide.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

The site is within land designated as urban green space within the Local Plan proposals map.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 48** – Community facilities
- **LP 61** – Urban Green Space

6.3 Supplementary Planning Guidance / Documents:

Biodiversity Net Gain Technical Advice Note

6.4 National Planning Guidance:

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by a site notice on Dryclough Road and a press advertisement since it was deemed a departure from the adopted plan, and in addition four properties were individually notified. Publicity expired on 19-Feb-2021.

7.2 No representations were received as a result of publicity.

8.0 **CONSULTATION RESPONSES:**

Below is a summary of the consultation responses received, where relevant, these are expanded on further in the appraisal below.

8.1 **Statutory:**

None

8.2 **Non-statutory:**

KC Highway Development Management – No objections

KC Environmental Health – Acceptable subject to conditions

KC Planning Policy – Proposal is deemed to be contrary to Policy LP61 as it has not been demonstrated that the site is no longer required to meet local needs.

KC Arboricultural Officer – No objections

KC Ecology – No objections subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site lies within land designated urban green space (UGS) on the Local Plan proposals map. Under Policy LP61 of the KLP, Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:
- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
 - b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
 - c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space
- 10.2 Criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open spaces use being proposed as part of the application.
- 10.3 As for criterion (a), it has *not* been clearly demonstrated that the land is no longer required to meet local needs for open space, sport, or recreational facilities. The application site is located on Warpole Recreation Ground and is allocated as urban green space on the Kirklees Local Plan(site UG61) based on its value as open space for recreation. The proposal would result in the loss of green space on the periphery of Warpole Recreation Ground. When assessed against the criteria set out in Local Plan policy LP61 it does not accord with this policy as the land has not been identified as surplus to requirements through the Kirklees Open Space Study (2016) assessment. Nor is the proposal providing replacement green space or for an alternative open space use.
- 10.4 Whilst the loss of green space is not significant in terms of the amount of land affected (360sqm) it nevertheless represents a departure from the development plan. Consideration will need to be given to whether the circumstances and benefits of the proposed development constitute material considerations and what weight can be attached to those given the UGS allocation in the development plan.

- 10.5 The majority of Walpole Recreation Ground consists of maintained grassland, with a small element of woodland. The land that is affected by this application lies near the entrance to the Recreation Ground from Dryclough Road and consists of steep banking. The development would therefore not result in the loss of land that provides recreational opportunities for the public. It is considered also that within the wider context of a very substantial tract of open land, the existing semi-natural banking does not make an important contribution to visual amenity, biodiversity or the wider landscape, although these factors will be assessed in more detail later in the report.
- 10.6 Whilst the applicant has not submitted objective evidence to demonstrate that the existing parking facilities are inadequate, it is acknowledged that Dryclough Road suffers from congestion at school pick-up and drop-off times, and that the proposed expansion of parking provision would allow the existing premises to be more fully utilised, including by other community groups. It is therefore considered that the development supports the aims of LP48 in that it would enhance the provision and accessibility of community, education, cultural and leisure facilities in an accessible location.
- 10.7 To conclude, the development does not comply with Policy LP61(a) in that it would amount to permanent built development on land that is designated as urban green space and which has not been shown to be surplus to requirements for open space, sport, or recreational facilities locally. However, for the reasons set out above it is considered that the proposed development would result in no significant loss to urban green space and furthermore would have the potential to bring community benefits which would support other planning objectives, in particular those of LP 48. It can be therefore be allowed contrary to Policy LP 61.
- 10.8 It is considered that the loss of a very small amount of semi-natural land would have no significant implications for biodiversity. There is the opportunity to deliver ecological enhancement, which is examined in more detail in paragraph 10.15 below.

Urban Design issues

- 10.9 It is considered that in context the scale, built form, design and materials would be appropriate and would not detract from the townscape or visual amenity, subject to details of future planting and landscaping, which can be conditioned. The plans indicate the planting of trees and shrubs near the base of the wall, and as set out in 3.2 above, there is also the opportunity for planting within the wall – both measures would soften its impact and help it blend into its surroundings. Details of landscaping measures can be conditioned. Subject to this it would accord with the aims of Policy LP24(a)

Residential Amenity

- 10.10 The development is not considered to represent a significant intensification of the Eden Centre and it is noted that it would not result in the parking areas being brought closer to residential properties on Dryclough Road and Walpole Road. It is therefore considered that it would not give rise to a loss of residential amenity arising from noise, overbearing impact or other factors and would accord with the aims of Policy LP24(b) of the KLP.

Landscape issues

- 10.11 It is considered that owing to its scale, design and location, the proposed development would not detract from the quality or character of the wider landscape.

Highway issues

- 10.12 The proposed development would provide additional space for vehicles to park which would lessen the possibility of vehicles having to park on the public highway, or use it for drop-off, at times of heavy use. The proposed parking spaces are of standard dimensions and their layout would allow them to be conveniently used. Subject to all spaces being surfaced before being brought into use, it would comply with the aims of Policies LP21 and LP22 of the KLP.

Drainage issues

- 10.13 The site is not on land that is known to be at risk of flooding. The applicant proposes to use permeable surfacing for the new parking spaces. It is recommended that this be conditioned so as to minimise run-off and flood risk in the wider area, in accordance with the aims of Chapter 14 of the NPPF and Policy LP28 of the KLP.

Representations

- 10.14 No representations have been made by members of the public or other third parties.

Other Matters

- 10.15 *Ecology and biodiversity:* The site is in the bat alert layer and in an area in which swift nesting has been recorded. The banking in its present form is considered to have limited biodiversity value. Under the Council's Biodiversity Net Gain Technical Advice Note, Minor developments are required to demonstrate a net gain for biodiversity, but this does not normally need to be quantified via the use of the Biodiversity Metric 2.0. With appropriate planting within the development there is the opportunity to deliver ecological enhancement, in accordance with the aims of LP 30 and Chapter 15 of the NPPF, and the submission of a Landscape and Ecological Management Plan can be conditioned in order to achieve this aim. In line with the advice of the Ecology Officer, the standard condition on vegetation clearance not being carried out in the bird breeding season without checks by a qualified ecologist, should also be added as a precaution.
- 10.16 *Potential land contamination:* The site is on land that is registered as being potentially contaminated. On the basis of Environmental Health Officer's advice, it is considered that the risk of contamination is very low and that to comply with the aims of LP 53 and Chapter 15 of the NPPF it will be sufficient to add a precautionary condition about what course of action should be followed if unexpected contamination is found during development.
- 10.17 *Climate change:* on 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan

policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.18 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a development that would enhance the use of an existing building serving the local community, it is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change, however, it is recommended it be conditioned that a minimum of one electric vehicle charge point is installed before the development is brought into use, so as to maximise the use of low-impact methods of transport and comply with the aims of Policy LP24(d)(v).

11.0 CONCLUSION

- 11.1 It is considered that the development, subject to conditions, would have no adverse impact upon visual amenity, residential amenity, highway safety, or the natural environment. Whilst it would not be compliant with the wording of Policy LP61 it is considered in this instance that the loss of urban green space would in itself have no significant impact and that the community benefits justify allowing the development as a departure from the adopted plan.
- 11.2 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. 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 it is therefore recommended for approval.

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

1. Development to be in full accordance with plans and specifications.
2. Parking spaces to be surfaced in accordance with the approved details before being brought into use
3. Any unexpected contamination to be reported
4. No removal of trees, shrubs or scrub Mar-Aug without checks by an ecologist
5. Landscape and ecological management plan to be submitted
6. One electric vehicle charge point to be installed before development is brought into use.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93810>

Certificate of Ownership – Certificate A signed:

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

**Subject: Pre-application for a residential development of c270 dwellings
(Bradley Villa Farm part of the HS11 allocated site, Bradford Road,
Huddersfield, HD2 2JY)**

APPLICANT

ID Planning for Redrow Homes

DATE VALID

25-Sep-2020

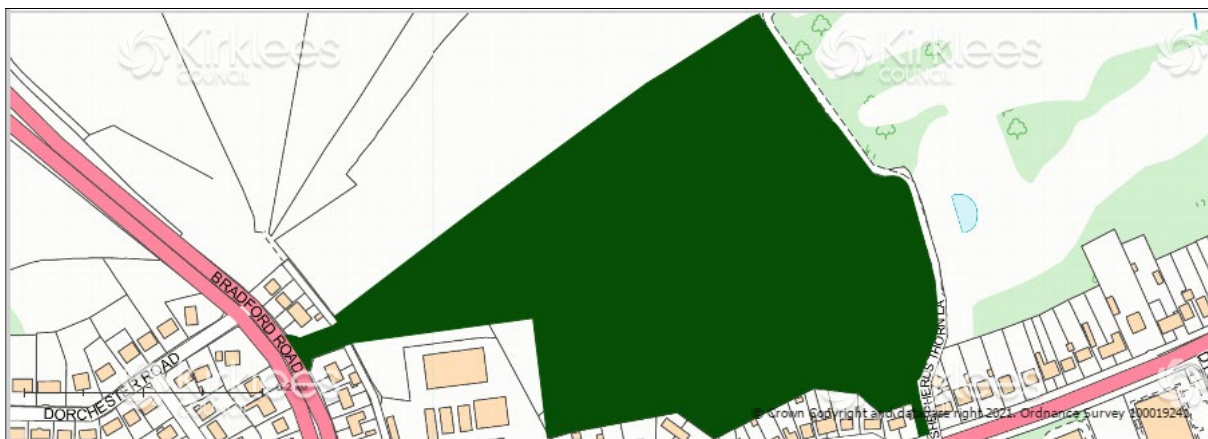
TARGET DATE

22-Oct-2020

EXTENSION EXPIRY DATE

n/a

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

Members to note the contents of this pre-application report for information.

1.0 INTRODUCTION

- 1.1 This pre-application enquiry is presented to the Strategic Planning Committee to inform Members of a potential large scale major application, for which an application for planning permission is likely to be submitted in the near future.
- 1.2 A pre-application enquiry (ref: 2020/20411) has been submitted in relation to the Bradley Villa Farm part of allocated site HS11.
- 1.3 The forthcoming application would be brought to the Strategic Planning Committee for determination.
- 1.4 Details of the proposed development, and relevant planning considerations, are summarised in this report.
- 1.5 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the proposals, and discussions between officers and the applicant. This report does not include a full assessment of the proposals or formal recommendations for determination of the forthcoming application. Discussion relating to this report would not predetermine the forthcoming application and would not create concerns regarding a potential challenge to a subsequent decision on the forthcoming application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS

- 2.1 The Bradley Villa Farm pre-application site comprises approximately a fifth of the wider allocated site (HS11), at the west end of the allocation. It is currently in agricultural use, and generally slopes downhill from southwest to east and northeast. Vehicular access is available from Bradford Road (the A641). Shepherds Thorn Lane forms the site's eastern boundary. To the south are the residential properties of Torcote Crescent and Bradley Road (the A6107). To the north are fields in agricultural use, within the green belt. The existing buildings of Bradley Villa Farm are not included in the pre-application site. The pre-application site includes the highest part of the allocated site (approximately 165m AOD, close to Bradford Road). Tree Preservation Order 17/98/t18 protects a Hawthorn tree within the pre-application site. Site allocation HS11 notes that the western part of the allocated site includes an archaeological site.
- 2.2 The wider allocated site (HS11) has a 68.34 hectare gross site area, and a 62.84 net site area (excluding ponds and a buffer area to the north of the site from the developable area), and occupies much of the land between Bradley Road and the M62 to the north, including the 18-hole municipal golf course and driving range at Bradley Park. The majority of the allocated site (including

the golf course and driving range) is council-owned. The eastern part of the allocated site has more varied topography, including Park Hill and undulations at the golf course. The lowest parts of the allocated site are at the junction of Bradley Road and Tithe House Way (approximately 110m AOD) and the northern tip of the allocated site (approximately 100m AOD). Vehicular access points currently exist at Shepherds Thorn Lane, Lamb Cote Road and Tithe House Way. Public Rights of Way enter and/or run through parts of the allocated site – these include HUD/3/10, HUD/3/20, HUD/3/30 and HUD/4/10. There are residential properties adjacent to the allocated site to the south and east. Land to the north is in the green belt. An area of land to the east of the allocated site is designated as urban green space in the Local Plan.

- 2.3 In relation to minerals, all of the allocated site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. In relation to the area's coal mining legacy, parts of the allocated site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area. The east end of the allocated site includes part of a former landfill site, and a 250m buffer zone extends into the allocated site. A 250m buffer zone of another landfill site also includes the northern tip of the allocated site. Landfill gas affects land to the north of the allocated site, and a landfill gas buffer covers the northern and eastern parts of the allocated site. Overhead power lines cross the golf course.
- 2.4 There are no designated heritage assets within the allocated site, however the Grade II listed barn at Shepherds Thorn Farm (Historic England ref: 1290881) is just outside, and parts of the allocated site are within the setting of that designated heritage asset. The allocated site is not within or close to a conservation area. Non-designated heritage assets also exist in the area.
- 2.5 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 2.6 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured.
- 2.7 The allocated site is located within Flood Zone 1 and is therefore at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs northeastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. Another watercourse runs eastwards from a pond adjacent to the golf course club house. Other unmapped watercourses may exist within and close to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.

2.8 Regarding the social and other infrastructure currently provided and available in Bradley, the area has a small number of pubs, churches, eating establishments and other facilities. There are also schools, nurseries, playspaces and open spaces. Regarding public transport, the main roads are served by the X63 bus service along Bradford Road and the 328 bus service that terminates at Alandale Road. The nearest railway stations are at Brighouse and Deighton. Cycle lanes have been marked out on the carriageway of Bradford Road, and this route forms part of the existing Core Walking and Cycling Network. An expansion of the network is proposed under the Local Plan via Shepherds Thorn Lane.

2.9 Parts of the allocated site are visible from the M62, and from Calderdale borough. As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site.

3.0 PROPOSALS

3.1 A residential development comprising c270 dwellings, with associated access, open space and landscaping, is proposed.

3.2 The pre-applicant team initially submitted a proposed site layout, drawings of standard house types, and a Heritage Impact Assessment. The proposed site layout showed a vehicular access provided from Bradford Road, with a spine road extending across the site to its eastern boundary (where the site meets Shepherds Thorn Lane). From this, further estate roads were shown, lined with detached, semi-detached and terraced housing. A central area of open space was shown, as were smaller open spaces further west along the spine road.

3.3 During discussions with officers, the pre-applicant team also submitted masterplan concept drawings, draft parameter plans, masterplan workshop slides, and suggested Landscape and Visual Impact Assessment viewpoints.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Various applications relating to land immediately outside the pre-application site have been considered by the council, including application ref: 2010/92771 relating to an agricultural building close to the site's Bradford Road entrance.

4.2 On 04/09/2020 planning permission was granted for erection of 105 dwellings with associated highways works and landscaping at part of HS11 allocated site (ref: 2018/93965) at Tithe House Way.

4.3 On 30/10/2020 the council issued an Environmental Impact Assessment (EIA) Scoping Opinion in response to a request relating to a residential development of circa 1,460 dwellings and other works at the HS11 site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 To date, the following pre-application meetings have been held:

- 18/03/2020 – meeting between pre-applicant team's agent and officers.
- 19/10/2020 – meeting attended by pre-applicant team, Cllr Homewood, and officers.
- 02/12/2020 – second pre-application meeting between pre-applicant team and officers.
- 17/12/2020 – meeting between pre-applicant team and Lead Local Flood Authority.

5.2 Officers representing the council in its two relevant roles (as Local Planning Authority, and as adjacent landowner) attended pre-application meetings.

5.3 Further information was submitted during pre-application discussions, as noted at paragraph 3.3 above.

5.4 A detailed pre-application advice letter was issued on 12/02/2021. The main points of that advice letter are summarised as follows:

- Full planning permission required.
- Development at this site welcomed in principle.
- List of required planning application documents (including EIA Environmental Statement relating to entire HS11 site) provided.
- Site is allocated for residential development.
- Measures to address sustainability and climate change would be required.
- Masterplanning approach required. Concern that site layout had been prepared before site and contextual analysis had been completed, and before any masterplanning work had been carried out.
- List of considerations (relevant to masterplanning) provided.
- Masterplanning workshop slides provided some reassurance that the pre-applicant team are aware of some of the allocated site's constraints and opportunities.
- Developable areas should not be fixed until further assessment is done.
- Advice provided regarding masterplan format.
- Concerns regarding proposed site layout, including regarding relationship with the rest of HS11, whether topography and other aspects of the site have been properly considered, and lack of engagement with Shepherds Thorn Lane.
- Perimeter block approach and two-storey dwellings are appropriate.
- Harm would be caused to setting of Grade II listed barn at Shepherds Thorn Farm.
- Significant infrastructure required to support development of HS11 site.
- 20% affordable housing, compliance with the Nationally Described Space Standard, a mix of one-, two-, three- and four-bedroom units, and dementia-friendly design required.

- Advice provided on content of required Transport Assessment, including regarding junction and cumulative impact assessment. Discussions with officers can continue in light of forthcoming work relating to the Cooper Bridge highway improvement scheme. Consultation with Highways England advisable.
- Advice provided regarding design of east-west spine road.
- Shepherds Thorn Lane is not suitable as a key vehicular access point to the HS11 site, however enhancement and integration (in relation to pedestrian and cyclist movement) would be necessary. Core Walking and Cycling Network is to be extended along this lane.
- Travel planning required.
- Advice provided regarding waste storage and collection.
- Site-specific Flood Risk Assessment (FRA) and full site-wide drainage strategy required.
- Noise, air quality, odour and construction management need to be addressed.
- Health Impact Assessment required.
- Pre-application site is within a Development Low Risk Area, however advice should be sought from the Coal Authority.
- Ecological surveys and impact assessment required. 10% biodiversity net gain required.
- Tree survey, impact assessment and method statement (including in relation to TPO-protected Hawthorn tree) required.
- Open spaces, playspace and landscaping to be discussed at a further workshop/meeting.
- Section 106 obligations may include:
 - Infrastructure provision.
 - Highways and transport mitigation.
 - Sustainable transport measures.
 - Education provision.
 - Early years and childcare provision.
 - Open space and playspace provision, management and maintenance.
 - Affordable housing.
 - Drainage provision and maintenance.
 - Biodiversity net gain.
 - Decentralised energy.
- Council intends to secure a high quality, sustainable, residential development at HS11 site that addresses borough and local needs, that seeks to address all relevant planning considerations, and that mitigates its impacts (including in relation to infrastructure). Officers cannot confirm that the pre-application proposals sufficiently respond to that vision.
- Further dialogue and work required, including in relation to masterplanning.
- Applicant invited to enter into a Planning Performance Agreement.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The pre-application site forms part of site HS11, which is allocated for residential development in the Local Plan. The site allocation sets out an indicative housing capacity of 1,460 dwellings, with potential for a further 498 dwellings beyond the plan period.

6.3 Site allocation HS11 identifies the following constraints relevant to the site:

- Multiple access points required
- Additional mitigation on the wider highway network may be required
- Public right of way crosses the site
- Ordinary watercourses cross the site
- Odour source near site – landfill site to the north-east
- Noise sources near site – noise from road traffic on Bradford Road, Bradley Road and M62
- Air quality issues
- Potentially contaminated land
- Part of this site is within the Wildlife Habitat Network
- Part of this site contains a Habitat of Principal Importance
- Site is close to listed buildings
- Part/all of site within High Risk Coal Referral area
- Power lines cross the site
- Site is in an area that affects the setting of Castle Hill
- Western part of this site includes an archaeological site

6.4 Site allocation HS11 also confirms that a masterplan is required for the site, and identifies several other site-specific considerations in relation to local education and early years / childcare provision, landscape impacts, ecological impacts, community gardens and allotments, cycling, access points, spine road connection, mitigation of highway network impacts, the provision of a new Local Centre (subject to sequential testing and impact assessment), heritage assets and golf course provision.

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites

LP7 – Efficient and effective use of land and buildings
 LP9 – Supporting skilled and flexible communities and workforce
 LP11 – Housing mix and affordable housing
 LP19 – Strategic transport infrastructure
 LP20 – Sustainable travel
 LP21 – Highways and access
 LP22 – Parking
 LP23 – Core walking and cycling network
 LP24 – Design
 LP26 – Renewable and low carbon energy
 LP27 – Flood risk
 LP28 – Drainage
 LP29 – Management of water bodies
 LP30 – Biodiversity and geodiversity
 LP31 – Green infrastructure network
 LP32 – Landscape
 LP33 – Trees
 LP34 – Conserving and enhancing the water environment
 LP35 – Historic environment
 LP38 – Minerals safeguarding
 LP47 – Healthy, active and safe lifestyles
 LP48 – Community facilities and services
 LP49 – Educational and health care needs
 LP50 – Sport and physical activity
 LP51 – Protection and improvement of local air quality
 LP52 – Protection and improvement of environmental quality
 LP53 – Contaminated and unstable land
 LP63 – New open space
 LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Viability Guidance Note (2020)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Public Rights of Way Improvement Plan (2010)

- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Castle Hill Settings Study (2016)

6.7 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation, but have not been adopted.

Climate change

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

6.9 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

6.10 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

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

6.12 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)

7.0 PUBLIC/LOCAL RESPONSE

7.1 The pre-applicant team carried out local consultation in March 2021. The results of that consultation exercise have not yet been shared with officers.

8.0 CONSULTATION RESPONSES

8.1 Extensive consultation relating to development at this site was carried out during the preparation of the Local Plan. At pre-application stage, internal consultation was carried out, with officers from several departments attending meetings with the applicant team (including officers representing the council as the adjacent landowner).

8.2 Consultation carried out at pre-application stage does not normally involve external consultees.

8.3 Where possible, officers at Calderdale Council will be kept up-to-date, given the site's proximity to the borough boundary.

9.0 MAIN ISSUES

- Environmental Impact Assessment
- Land use and principle of development
- Masterplanning
- Masterplan format
- Quantum of development
- Sustainability and climate change
- Urban design matters
- Conservation
- Landscape impacts
- Infrastructure requirements and delivery
- Residential accommodation
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental and public health

- Site contamination and stability
- Ecological considerations
- Trees and hedgerows
- Open space, sports and recreation
- Planning obligations and financial viability
- Phasing and delivery

10.0 APPRAISAL

Environmental Impact Assessment (EIA)

10.1 The cumulative environmental impacts of development at both parts of site HS11 (Bradley Villa Farm and the council-owned land) need to be considered, and the applicant would need to submit an Environmental Statement (ES) that related to all parts of HS11 in support of a future planning application that only related to the Bradley Villa Farm site.

10.2 On 30/10/2020 the council issued an EIA Scoping Opinion (ref: 2020/20413).

Land use and principle of development

10.3 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

10.4 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.

10.5 Full weight can be given to site allocation HS11, which allocates the site for residential development. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector concluded that, subject to the proposed site allocations H1747 and H351 being combined into a single allocation (as they have, in the form of current site allocation HS11) and subject to other modifications (also accepted and implemented by the council), there were no fundamental constraints that would prevent development coming forward at the site, there were exceptional circumstances to justify the release of the site from the green belt, and the site allocation was soundly based.

- 10.6 The Bradley Villa Farm site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Other criteria of policy LP38 may also apply.
- 10.7 Given the above assessment, the principle of residential development at the Bradley Villa Farm site is considered acceptable, subject to the further discussion of land use matters later in this report.

Masterplanning

- 10.8 Due to the size of the Bradley Villa Farm site (and of site HS11), the scale of the proposed development, the wide range of relevant planning considerations, the need for significant supporting infrastructure, the requirements of site allocation HS11 and Local Plan policy LP5, and the proposed allocation of sites within Calderdale borough, a masterplanning approach is necessary. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.9 The masterplanning work already done in 2017 (for the purpose of informing discussions at the Local Plan Examination in Public) must be noted – that 2017 masterplan had merit (and was approved by Cabinet), however it is appropriate to revisit this earlier work in light of current aspirations and other considerations, and to look again at the site's constraints and opportunities, consulting with residents, Members, officers, consultee bodies and other stakeholders.
- 10.10 No masterplan, or evidence of masterplanning work, was submitted with the initial request for pre-application advice in September of last year. The pre-applicant's covering letter dated 23/09/2020 did not refer to Local Plan policy LP5, and did not acknowledge the requirement (of site allocation HS11) for a masterplan. The pre-applicant team did, however, submit a detailed layout plan (BVF-16-02-SK05) for the Bradley Villa Farm site, suggesting that a proposal had been worked up before site and contextual analysis had been completed, and before any masterplanning work had been carried out. This is the wrong way to approach a major development site where masterplanning is necessary, and the council encourages applicant teams to instead adopt an informed, iterative approach to such sites, where site and contextual analysis, and masterplanning, precedes detailed design work and informs the proposals that are eventually brought forward.

- 10.11 The pre-applicant team subsequently submitted draft parameter plans and concept masterplans on 25/11/2020 and masterplanning workshop slides were presented and discussed at the pre-application meeting held on 02/12/2020. These provided at least some reassurance that the pre-applicant team were aware of some of the allocated site's constraints and opportunities.
- 10.12 The preference would be for both HS11 landowners to work together, revisit the 2017 masterplan, and devise proposals based on an updated masterplan that ensured co-ordinated, complimentary development was brought forward, with neither development prejudicing the other. It is accepted, however, that the pre-applicant team is more advanced in progressing their site than the council (as landowner) is – this isn't an unusual scenario, and it is one the council has had to deal with at other sites. With housing delivery targets in mind, a degree of flexibility can be provided, and therefore officers previously advised that the pre-applicant team could proceed, provided that adequate masterplanning work was carried out. Similar flexibility was applied at the Tithe House Way part of HS11, although that development isn't entirely comparable with what the pre-applicant team have in mind at Bradley Villa Farm.
- 10.13 At the very least the Bradley Villa Farm pre-applicant team would be required to provide the indicative bones of a masterplan based on the 2017 masterplanning work (and the research that informed it), further site analysis, and guidance from officers. This work should provide reassurance that the Bradley Villa Farm site can be developed without the rest of the HS11 allocated site being brought forward at the same time, and that co-ordinated, complimentary development can still be brought forward across the entire HS11 site, with the earlier development not prejudicing the later.
- 10.14 To assist the pre-applicant team, on 26/11/2020 officers set out points that should be considered when carrying out the necessary masterplanning work, as follows:
- All constraints and considerations set out in site allocation HS11 to be addressed.
 - Compliance with Local Plan policy LP5 to be demonstrated.
 - Reference to be made to draft Housebuilder Design Guide SPD.
 - Masterplan to correspond with ongoing Calderdale/Kirklees work (Brighouse and Bradley Garden Community Masterplan Framework).
 - A full assessment of all the infrastructure requirements of HS11 needs to inform any masterplan.
 - Flexibility required in the event that development is phased, or only part(s) of the allocated site are developed.
 - No ransom strips to be designed into any land. Where applicable, adoptable highway should be shown up to site boundaries where they abut other developable parcels. Provisions for future and construction access may need to be included in Section 106 agreements.
 - Masterplan to reflect latest proposals for the Cooper Bridge link road scheme [now referred to by officers as the Cooper Bridge highway improvement scheme]. Flexibility required until proposals become fixed.
 - Other vehicular access points as per 2017 masterplan.

- North-south movement (for pedestrians and cyclists) along Shepherds Thorn Lane is a key consideration. The Local Plan includes an expansion of the Core Walking and Cycling Network along this route, and significant opportunities for improved connection with the Brighthouse Garden Suburb site (to the north) and education and employment opportunities (to the south) exist.
- Walking-to-school routes to be planned for.
- Public rights of way to be retained along their recorded alignments.
- Proposals to work with existing topography, and not radically reshape it.
- Site's coal mining legacy may affect layout.
- Watercourses to be regarded as fixed. Layout flexibility required in the event that culverted watercourses are found.
- Reference to be made to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1).
- Flood routing to inform layout.
- TPOs, woodlands, hedgerows and protected habitats to be regarded as fixed.
- 10% biodiversity net gain required, and to inform layout. See draft Biodiversity Net Gain Technical Advice Note.
- Wildlife corridors and linkages to be designed into any layout.
- On-site space to be provided in accordance with Local Plan policy LP63 and draft Open Space SPD. 2017 support for a significant, central open space (or "green lung") to be noted. A network of connected, multi-functional open spaces expected.
- Co-ordination of facilities across various development sites should be considered, to help avoid duplication, and to result in a more comprehensive and varied sports and recreation offer.
- Relevant initiatives (White Rose Forest, Green Street principles etc) to inform layout.
- Wider landscape impacts to inform layout. Visibility of site from Calderdale, M62 and Castle Hill to be considered. Note that Castle Hill Settings Study identifies a significant ridgeline running roughly east-west across the allocated site.
- Location of nine-hole golf course, driving range, clubhouse and two full-sized 3G pitches (as illustrated in 2017 masterplan) to be regarded as fixed for the time being.
- Placemaking to inform layout and all other design decisions. Reference to be made to Local Plan policy LP24 (among others), National Design Guide, Building for Life and other guidance. It is essential that early thought be given to placemaking, to avoid the creation of a monotonous, anonymous, characterless, illegible anytown development that misses opportunities to create an integrated, distinctive, vibrant, safer, legible, well-connected, convivial and attractive place to live and visit. Standard house types of volume housebuilders may not be appropriate. Character areas and design coding may be appropriate. If HS11 is developed in phases/parcels by two or more parties, evidence of piecemeal development should not be apparent across the site.
- Dementia-friendly design required.

- Significance of Grade II listed Shepherds Thorn Farm to inform layout. Setting must not be unacceptably harmed. Rural approach to this designated heritage asset to be maintained.
- Environmental health considerations (air quality, noise and vibration, lighting, odour and site contamination) to inform layout.
- Wider council objectives (including in relation to economic resilience, tackling inequality, improving health and wellbeing, and the climate change emergency declaration) to be addressed in any masterplan.
- All three aspects of sustainable development (social, economic and environmental) to inform masterplan. Exemplary development expected in relation to energy use and other aspects of sustainability.
- Maintenance responsibilities for open space, drainage, private drives and other spaces outside private curtilages etc should be considered.
- Apportionment of Section 106 obligations (calculated on the basis of the entire development) will be necessary.
- Housing to comply with relevant policies and best practice regarding affordable housing, pepper-potting, indistinguishable tenure, unit size mix, and accessibility. Specialist accommodation, bungalows and self-build to be allowed for. Compliance with Nationally Described Space Standards required.
- Residential density to comply with Local Plan policy LP7. Variations in density across the site can assist with placemaking and legibility.
- Meaningful response to community aspirations for HS11 required.

10.15 Concerns raised by officers to date regarding the pre-applicant team's masterplanning submissions related to:

- Suggested developable areas – Although these appear to work around existing tree and biodiversity constraints (which is considered appropriate), many other matters would need to be considered before concluding which parts of HS11 are developable, and which should not be developed. These matters include:
 - the forthcoming Landscape and Visual Impact Assessment;
 - the visibility of the site from surrounding vantagepoints (including Castle Hill, and locations within Calderdale borough);
 - the character of the site and surrounding undeveloped land;
 - the importance of the site in landscape terms;
 - council policies and aspirations regarding landscape impacts and reforestation;
 - further advice from the Lead Local Flood Authority (particularly in relation to flood routing);
 - ground conditions;
 - testing of different distributions of open space;
 - the need to meet playspace needs within appropriate walking and stand-off distances;
 - the need to achieve biodiversity net gains;
 - impacts of development upon the setting of (and the rural approach to) Shepherds Thorn Farm; and
 - other matters.

- Residential-related and non-residential land use requirements – Of note, site allocation HS11 does not specify quanta of development to be accommodated within each part of the allocated site, nor where the primary school and local centre should be located. Although the council's 2017 masterplan suggested that these should be located towards the centre of the site, the pre-applicant team have been advised to ascertain why Cushman and Wakefield – in their initial cross-boundary masterplanning work for Kirklees and Calderdale – suggested that the local centre (or rather, a “community hub”) should be located at the far west end of HS11, within the Bradley Villa Farm site.
- Minimum distances to be maintained between new development and overhead power lines and their pylons.

10.16 Officers have advised the pre-applicant team that the considerations outlined above may demonstrate that the proposed developable area for the Bradley Villa Farm site may not be appropriate, and that the number of residential units currently proposed may need to be reconsidered. Once the necessary masterplanning work is completed, a proposal for the Bradley Villa Farm site can be devised.

Masterplan format

- 10.17 Officers have advised the pre-applicant team that a masterplan for the HS11 allocated site should not consist of a single drawing, and bearing in mind the masterplanning work commissioned by Calderdale and Kirklees, ideally the application-stage masterplanning information would include plans drawn up at three levels: 1) a Bradley/Brighouse/Cooper Bridge cross-boundary masterplan as agreed between the two councils, landowners/developers and other interested parties as an appropriate basis upon which to progress proposals for specific sites, 2) an HS11 masterplan agreed between the pre-applicant team, the council as landowner and the council as Local Planning Authority, and 3) the proposed Bradley Villa Farm layout. It would be appropriate to collate these plans, and the relevant supporting information, explanation and commentary, into a masterplan framework document.
- 10.18 At application stage, parameter plans illustrating developable areas and proposed uses (including locations for the school and local centre), access (namely, the site's five proposed vehicular access points, the site's other access points for pedestrians (and cyclists and horse riders), and the routes of spine roads), blue and green infrastructure, densities, building heights and character areas would be appropriate. The high-level detail that such drawings provide would be considered adequate for consideration at application stage, provided that sufficient supporting and indicative information is also submitted.
- 10.19 The pre-applicant team are not expected to undertake detailed planning of the council-owned land. Furthermore, any masterplan devised by the pre-applicant team would not be binding on the council (as landowner) or its future developer partners.

Quantum of development

- 10.20 As noted above, site allocation HS11 sets out an indicative housing capacity of 1,460, with potential for a further 498 dwellings beyond the plan period. Proposals for the Bradley Villa Farm site would be expected to make a significant contribution towards those quanta, however it is again noted that the site allocation does not specify how many dwellings should be provided in each part of HS11.

Sustainability and climate change

- 10.21 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. At application stage, information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives would be expected. The forthcoming submission should also respond positively to the net zero carbon emission targets referred to earlier in this report.
- 10.22 Subject to details, and to masterplanning, design, highways, infrastructure, residential amenity, drainage and other matters (including the requirements of site allocation HS11) being appropriately addressed, development at the Bradley Villa Farm site can be considered to be sustainable development, given the site's location adjacent to an already-developed area, its proximity to public transport and other facilities, and the opportunities for economic, social and environmental net gains (and for addressing climate change) that the site provides.
- 10.23 Measures would be necessary to encourage the use of sustainable modes of transport. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Adequate provision for pedestrians, cyclists (including cycle lanes, where appropriate) and possible new or diverted bus services should be demonstrated, and cycle storage and space for cyclists, electric vehicle charging points, a Travel Plan and other measures would be required. The proposed expansion of the existing Core Walking and Cycling Network should be assisted by any development at the Bradley Villa Farm site.
- 10.24 Drainage and flood risk minimisation measures would need to account for climate change.
- 10.25 Given the range of uses proposed at (and surrounding) the allocated site, in accordance with Local Plan policy LP26 there may be scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of an energy centre and pipework beneath footways) should be made at application stage. Local Plan paragraph 12.11 refers to the heat mapping work already carried out for the Leeds City Region – the forthcoming submission should refer to this work.

Urban design matters

10.26 Notwithstanding the masterplanning and developable area concerns detailed above, officers have responded to the pre-applicant team's request for comments on the proposed site layout and other design matters. Positives were identified by officers in relation to the acceptable spine road alignment (subject to detail), proposed areas with perimeter block layouts, and the appropriate building heights (two storeys are proposed throughout the site, although some bungalows and attic accommodation could be acceptable), however concerns were raised as follows:

- Layout influences – Unclear how site allocation requirements, topography, existing/possible vehicular entrances, green infrastructure, drainage, existing watercourses, use separation, open space requirements, infrastructure needs, highway safety and adoption, public rights of way, adjacent uses and other factors have influenced the proposed layout.
- Bradley Villa Farm buildings – Unclear why this part of the allocated site is not included in the pre-application proposals.
- Entrance experience – Concern regarding people entering the site from Bradford Road, and being greeted with a large agricultural shed, electricity substation, three detached dwellings and a small open space.
- Shepherds Thorn Lane – Inadequate response to this important north-south route. Lane would be lined with side garden fences and cul-de-sacs. Insufficient pedestrian and cyclist connections. Northwards view into the site from Bradley Road should be celebrated.
- Landscaping – Ill-considered, ambiguous leftover spaces are proposed in places.
- Developed area edges – In some locations, garden fences would line the public realm and northern (green belt) edge of the site.
- Cul-de-sacs – These are less dementia-friendly, and require refuse collection vehicles to reverse, which raises safety concerns.
- House types – Unclear why pre-applicant team considers the proposed house types to be suitable for this location.
- Typology distribution – Unclear why larger detached dwellings would line the proposed open spaces, while terraced dwellings would be largely confined to the secondary streets.
- Car parking – Concern that parked cars would dominate the street scene in some locations.

10.27 Further advice was provided by officers in relation to detailed aspects of the proposed layout, density variation, designing out crime, materials, boundary treatments, sustainable design, and creating convivial, inclusive environments offering opportunities for social interaction and integration. Officers highlighted a need to avoid creating anonymous, monotonous, insular, isolated suburban development. The pre-applicant team have also been reminded that the Design Review Service for Yorkshire and the Humber is available to provide further, external design advice at pre-application and/or application stage.

Conservation

- 10.28 There are few designated heritage assets close to the Bradley Villa Farm site, however impacts would need to be assessed nonetheless, and the pre-applicant team have already provided an initial Heritage Impact Assessment (HIA). With regard to the Grade II listed barn at Shepherds Thorn Farm, officers agree (with the applicant's assessment) that the creation of the M62 and golf course has affected the heritage asset's relationship with its surroundings, however officers also agree that the agricultural fields on the west side of Shepherds Thorn Lane make a positive contribution to the setting of the farmstead, as they provide one of the few remaining links to a past rural landscape. Some of these fields would be developed under the current proposals for the Bradley Villa Farm site, and the submitted HIA suggests (at paragraph 5.7) that less than substantial harm would be caused as a result. Given the requirements of paragraph 193 of the NPPF, Local Plan policy LP35 and site allocation HS11 (which requires the rural approach to this designated heritage asset to be maintained), the pre-applicant team would be expected to explore how this impact can be reduced. This may necessitate pulling the developable area back from the northernmost corner of the Bradley Villa Farm site (i.e., extending the "Buffer to Listed Building" (shown in the pre-applicant team's workshop slides), which is currently identified as a constraint only applicable to council-owned land).
- 10.29 In light of the site's potential archaeological interest, on 16/12/2020 the West Yorkshire Archaeological Advisory Service (WYAAS) provided the pre-applicant team with a specification for a pre-determination archaeological evaluation (by trial trenching).

Landscape impacts

- 10.30 A draft of the required Landscape and Visual Impact Assessment (LVIA) has not been submitted by the pre-applicant team, however officers have provided advice regarding the viewpoints that are to be assessed. As noted above, the findings of the LVIA may influence the locations of HS11's developable areas. The assessment would also need to take into account the findings of the 2016 Castle Hill Settings Study.

Infrastructure requirements and delivery

- 10.31 Development of the HS11 site would require significant infrastructure to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts. Infrastructure-related works and provisions would, or may, include site investigation, stabilisation and remediation (including in relation to the site's coal mining legacy), formation of development platforms, provision of new roads and junctions, signalisation works, new cycle routes, new footways and footpaths (and diversions and improvements to existing footpaths), the required two form entry primary school, playspaces, sports and recreation facilities, other social infrastructure, allotments, landscaped areas, ecological enhancement, other green

infrastructure, public realm works, surface water drainage, utilities (water, sewerage, electricity, gas, and telecommunications including fibre broadband), electricity substations, decentralised energy (energy centre and distribution network), work related to the retained pylons, noise and air quality mitigation. Temporary, between-phase infrastructure may also be required, as may off-site infrastructure works.

- 10.32 Officers have emphasised how crucial it is that these infrastructure requirements are identified at an early stage. The forthcoming application submission must ascertain what is required, when these works and provisions are required (phased delivery of some works may be appropriate), their costs, and who would be responsible for their delivery.
- 10.33 The council (as landowner) has commissioned WSP to assess the infrastructure needs of the HS11 site, and a list of infrastructure topics (that WSP have been commissioned to cover) has been shared with the Bradley Villa Farm pre-applicant team.

Residential accommodation

- 10.34 Although floor plans of the proposed standard house types have been submitted by the pre-applicant team, little other information has been provided in relation to the standard, sizes, amenities and tenures of the proposed residential accommodation.
- 10.35 The applicant team have been advised that a policy-compliant 20% affordable housing provision, compliance with the Nationally Described Space Standard, a mix of one-, two-, three- and four-bedroom units, and dementia-friendly design would be required. Officers have added that parts of the HS11 site may be appropriate locations for specialist residential accommodation (such as homes for retirement or sheltered living and/or an Extra Care facility), and that potential locations for bungalows and for self-build development (as referred to at Local Plan paragraph 8.32) should also be explored in the pre-applicant team's masterplanning work.

Highway and transportation issues

- 10.36 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.37 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively

mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.38 The proposals for the Bradley Villa Farm site show only one vehicular access point off Bradford Road, however the development would also be accessible from the east should development come forward at the rest of the HS11 site.
- 10.39 No draft Transport Assessment (TA) has been submitted, however the pre-applicant team have been advised which junctions to assess in the TA, and that the findings of the council's Major Projects (Transportation) team in relation to the Cooper Bridge highway improvement scheme will be shared in due course. Regarding the emerging Cooper Bridge highway improvement scheme, "with" and "without" scenarios should be tested by the pre-applicant team, to provide a robust assessment that accounts for the possibility of delivery of that scheme being delayed (of note, funding for improvements has not yet been secured) or the scheme being amended.
- 10.40 Site allocation HS11 notes that additional mitigation on the wider highway network will be required in connection with development at the allocated site, and that there is potential for significant impacts upon the Strategic Road Network. To ensure later developments (elsewhere within HS11, and at other sites) are not required to mitigate all the cumulative highway impacts to which a development at Bradley Villa Farm would contribute, any planning permission granted for major residential development at the Bradley Villa Farm site would be required to contribute to future capacity improvements, regardless of whether the c270 proposed dwellings would – when considered in isolation – trigger a need for improvements.
- 10.41 Given the potential impacts upon the Strategic Road Network, the pre-applicant team have been advised to engage in early dialogue with Highways England.
- 10.42 The design of the proposed east-west spine road should reflect that of the section of spine road already approved under application ref: 2018/93965, with a 6.75m wide carriageway. The spine road should be capable of accommodating new or diverted bus services. Details of crossing points, including for farm traffic along the retained access directly behind 686 and 688 Bradford Road, should be provided. Beyond the proposed spine road, an appropriate road hierarchy for the proposed development should be clearly described and illustrated. Reference should also be made to the council's adopted Highway Design Guide SPD when designing and specifying the development's internal roads.
- 10.43 Shepherds Thorn Lane is already of some importance (and provides opportunities for significant enhancement and integration with a redesigned scheme at the Bradley Villa Farm site, for aesthetic and active travel reasons), however as noted above it is not a suitable location for a key vehicular access point to the HS11 site.

- 10.44 An HS11-wide strategy for pedestrian and cyclist movement is required in light of the requirements of policy LP21 to encourage the use of sustainable modes of transport, policy LP23 regarding the Core Walking, Cycling and Riding Network, and policies LP20, LP24dii and LP47e which require improvements to neighbourhood connectivity and opportunities for walking and cycling. This strategy should look beyond the boundaries of the allocated site, and should harness opportunities for wider sustainable and active travel, including to and from the centres of Huddersfield and Brighouse, the Brighouse Garden Suburb site, and employment, education and leisure destinations.
- 10.45 Bradley Road (the A6107) is a part 30mph, part 40mph highway with cycle lane markings, and part of the Core Walking and Cycling Network runs along this road and along Bradford Road (the A641), where a 40mph restriction also applies. This network is intended to provide an integrated system of routes that provide opportunities for alternative sustainable means of travel through Kirklees, and provide efficient links to urban centres and sites allocated for development – the Bradley Villa Farm proposals should respond positively to this intention, including in relation to Shepherds Thorn Lane.
- 10.46 Comprehensive and effective travel planning would be required in compliance with Local Plan policies LP20 and LP51, and a draft Travel Plan should be submitted at application stage. Travel Plan implementation and monitoring fees would need to be secured via a Section 106 agreement. A contribution towards, or the provision of, Metro cards for the new residential units may be necessary – the need for this would be assessed fully at application stage. The main roads nearest to the allocated site are served by the X63 bus service along Bradford Road and the 328 bus service that terminates at Alandale Road.
- 10.47 Parking provision across the site would need to reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership and the council's adopted Highway Design Guide SPD.
- 10.48 Construction management provisions (including in relation to construction traffic) would need to be confirmed at application stage, or secured via conditions.

Flood risk and drainage issues

- 10.49 The allocated site is located within Flood Zone 1 and is therefore at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs northeastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. This watercourse may extend upstream (via a culvert) into the Bradley Villa Farm site. Another watercourse runs eastwards from a pond adjacent to the golf course club house, and historic maps illustrate other watercourses, some of which were interrupted by the construction of the M62. Surface water flood

risk is associated with these routes. Additionally, there are some isolated depressions which represent flood risk. Other unmapped watercourses and features may exist within and close to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.

- 10.50 The Bradley Villa Farm site is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy would be required at application stage. A chapter relating to flood risk would also need to be included in the forthcoming ES. The requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, would need to be addressed. Drainage and flood risk (including provisions for flood routing) should be a key influence on any masterplan for the HS11 site, and any layout proposed for the Bradley Villa Farm site.
- 10.51 The pre-applicant team have been advised to refer to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1), and to continue liaising with Highways England regarding impacts on the M62's drainage.

Environmental and public health

- 10.52 A Health Impact Assessment and/or relevant chapter in the forthcoming Environmental Statement is required at application stage. This would be assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy.
- 10.53 Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. This can be achieved in many ways – air quality mitigation and improvement, facilitation and encouragement of on-site and local outdoor activity, inclusive design, providing opportunities for inter-generational interaction, new and enhanced public footpath and cycle path connections, careful construction management (including dust control) and other measures can be proposed by the pre-applicant team. Active travel is of particular relevance to the HS11 site, given the local opportunities available for walking and cycling, and the council's intentions to expand the Core Walking and Cycling Network along Shepherds Thorn Lane.
- 10.54 Noise, air quality, odour and other matters relevant to environmental health will need to be addressed in the forthcoming planning application submission.
- 10.55 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured. An AQMA has also been designated in Brighouse.

- 10.56 Due to the size of the development proposed at the Bradley Villa Farm site, and having regard to the West Yorkshire Low Emission Strategy planning guidance, an Air Quality Assessment (AQA) would be required at application stage. This would need to assess the proposed development's likely impacts upon existing receptors (existing residents), and residents of the development itself. Monetary damages from the development may need to be set out – if so, the value of these should be reflected in proposed expenditure on mitigation measures.
- 10.57 For air quality reasons, details of charging points for electric vehicles would be required at application or conditions stage. One charging point per residential unit would be required for dwellings with dedicated parking, and one charging point would be required for every 10 dwellings where unallocated parking is proposed.
- 10.58 At application stage, the previously-mentioned draft Travel Plan would also be required for air quality reasons, given the size of the proposed development. This should include mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, cycling and walking), as well as the uptake of low emission fuels and technologies, among residents.
- 10.59 A Noise Assessment would need to be submitted. This would need to determine the existing noise climate, predict the noise climate in outdoor spaces (daytime), bedrooms (night-time) and other habitable rooms of the development, and detail the proposed attenuation or design measures necessary to protect the amenity of the occupants of the new residential units.

Site contamination and stability

- 10.60 Site allocation HS11 notes the potential presence of contamination at the site. The east end of the allocated site includes part of a former landfill site, and a 250m buffer zone extends into the allocated site. A 250m buffer zone of another landfill site also includes the northern tip of the allocated site. Landfill gas affects land to the north of the allocated site, and a landfill gas buffer covers the northern and eastern parts of the allocated site. Local Plan policy LP53 is relevant, and its requirements would need to be addressed in the application-stage Phase 1 contamination report and ES.
- 10.61 The Bradley Villa Farm site is within the Development Low Risk Area as defined by the Coal Authority, however much of HS11 is within the Development High Risk Area, therefore within the site and surrounding area there are coal mining features and hazards. A Coal Mining Risk Assessment, noting the coal mining legacy of the site and the surrounding area, assessing risk, and making recommendations for mitigating any risk to the proposed development, would be required. The pre-applicant team have been advised to obtain advice from the Coal Authority.

Ecological considerations

- 10.62 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 10.63 Site allocation HS11 states that, where an ecological assessment shows the presence of protected species, that area of the site will need to be safeguarded from development. Chapter 15 of the NPPF and Local Plan policy LP30 apply. A 10% net biodiversity gain needs to be demonstrated in accordance with these policies. Net gain is measurable, and the degree of change in biodiversity value should be quantified using Natural England's Biodiversity Metric 2.0 or the Biodiversity Metric 3.0 which is due to be launched shortly. In order to address the above, the proposed development would need to be supported by landscaping information and a calculation of change in biodiversity value using this metric.
- 10.64 Further discussions regarding ecological matters can be held at a focussed workshop once officers have had sight of the findings of the pre-applicant team's ecological survey work, assessments and initial biodiversity net gain calculation.

Trees and hedgerows

- 10.65 Tree Preservation Order 17/98/t18 protects a Hawthorn tree at the west end of the allocated site. Other trees exist in several locations across HS11.
- 10.66 Local Plan policy LP33 is relevant, and a Tree Survey, Arboricultural Impact Assessment and Method Statement would be required at application stage. The impact assessment should demonstrate the realistic root growth of trees and a realistic assessment of potential impacts (including in relation to shading) and should recommend mitigation measures where appropriate.
- 10.67 Green Streets principles would need to be adhered to, and would need to be accounted for in any assessment of infrastructure requirements. Sufficient space should be allowed for trees in new roads. The pre-applicant team have been reminded of the proposed changes to the NPPF, which reflect the Government's ambition to ensure that all new streets are tree-lined.
- 10.68 The council promotes the White Rose Forest initiative, which is intended to greatly increase tree cover within the borough. Development of the Bradley Villa Farm site presents opportunities for extensive tree planting, and the Design and Access Statement, landscaping proposals and other submission documents should refer to this initiative. The pre-applicant team have also been advised to monitor progress regarding the forthcoming England Tree Strategy.

Open space, sports and recreation

- 10.69 A breakdown of the proposed open space provision would need to be provided with reference to the six open space typologies used in Local Plan policy LP63 assessments. All proposed open space and landscaped areas should be clearly defined. In particular, the purpose of the proposed thin open space (running southwest-northeast through the Bradley Villa Farm site) should be clarified.
- 10.70 Sports and play spaces should be located and designed in accordance with Fields in Trust guidance.
- 10.71 Reprovision of golfing facilities would need to be addressed in the pre-applicant team's masterplanning work, however as it is considered that this reprovision would be best located at the northeast part of the HS11 site (on council-owned land), this matter is not considered to be a key land use or layout constraint at the Bradley Villa Farm site.

Planning obligations and financial viability

- 10.72 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary. Heads of Terms would or may refer to:
- Infrastructure works and provision.
 - Works and contributions required to mitigate highways and transportation impacts, including cumulative impacts. Should impacts not be fully assessed at the time the forthcoming application is determined (due to, for example, funding for the Cooper Bridge highway improvement scheme not being in place), an appropriate legal mechanism would still be required to ensure contributions are secured.
 - Sustainable transport (including Travel Plan implementation and monitoring, and a contribution towards the expansion of the existing Core Walking and Cycling Network).
 - Provision, or contribution towards the provision, of a two form entry primary school.
 - Education contributions (to be calculated based on numbers of units and size mix).
 - Early years and childcare provision, or a relevant contribution.
 - Open space, including playspaces, ongoing management and maintenance responsibilities, and contributions towards off-site provision in the local area.
 - Affordable housing.
 - Provision and maintenance of drainage systems.
 - Biodiversity net gain.
 - Decentralised energy.

- 10.73 Further consideration of contributions, responsibilities for them (and for other obligations), their timing and triggers, and how they would be apportioned, would be possible once acceptable proposals for the Bradley Villa Farm site are brought forward, and once more is known regarding the infrastructure needs of HS11.
- 10.74 The above obligations are significant, and together with the costs associated with on-site infrastructure, drainage and addressing the site's topography and coal mining legacy, would need to be taken into account by the pre-applicant team. The pre-applicant team have been advised that the council will not accept arguments that these costs were unanticipated (and that affordable housing or other necessary mitigation is not viable) where there is evidence that a developer has overpaid for a site, having not given sufficient consideration to development costs. The Bradley Villa Farm site was promoted for allocation and development by the landowner, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the site's development costs, the council is unlikely to entertain a future argument that residential development at this site is unviable. Should any such argument be made in the future, the council can have regard to paragraph 57 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.
- 10.75 On 19/01/2021, in light of the Government's announcement that it will abolish CIL and replace it with a nationally-set infrastructure levy, Cabinet agreed to not adopt the CIL Charging Schedule in Kirklees at this stage.
- 10.76 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant thresholds (housing developments which would deliver 60 dwellings or more), officers will be approaching the pre-applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. 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 phases.

Phasing and delivery

- 10.77 If planning permission is approved, a development of this scale is likely to be constructed in phases. No phasing information has been provided by the pre-applicant team to date, however such details would be required at application stage. Phasing should be organised having regard to several considerations, including neighbour amenity, the amenities of occupants of earlier phases, highway safety, aesthetic considerations, biodiversity and infrastructure provision.

11.0 CONCLUSION

11.1 Members to note the contents of this pre-application report.