

Public Document Pack



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

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Wednesday 31 August 2022

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 8 September 2022**.

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", on a light-colored background.

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 Bill Armer
Councillor Paul Davies
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

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

A Gregg
D Hall
V Lees-Hamilton
R Smith
J Taylor

Green

K Allison
S Lee-Richards

Independent

C Greaves
A Lukic

Labour

A Anwar
F Perry
M Kaushik
E Firth
T Hawkins

Liberal Democrat

A Munro
PA Davies
J Lawson
A Marchington

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 - 4

To approve the minutes of the meeting of the Committee held on 11th August 2022.

3: Declaration of Interests and Lobbying

5 - 6

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: Public Question Time

To receive any public questions in accordance with Council Procedure Rule 11.

6: 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.

7: Planning Applications

7 - 8

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 no later than **5.00 p.m.** (for phone requests) or 11:59 p.m. (for email requests) on **Monday 5th September 2022.**

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

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

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.

8: Planning Application - Application No: 2021/92086

9 - 76

Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) on land at Bradley Villa Farm, Bradley Road, Bradley, Huddersfield.

Ward(s) affected: Ashbrow

Contact: Victor Grayson, Planning Services

Planning Update

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

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 11th August 2022

Present: Councillor Steve Hall (Chair)
Councillor Paul Davies
Councillor Eric Firth
Councillor John Lawson
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Carole Pattison
Councillor Bill Armer
Councillor Andrew Pinnock

1 Membership of the Committee

Apologies were received from Councillors Armer, Pattison and Pinnock.

**2 Minutes of the Previous Meeting
RESOLVED –**

That the minutes of the meeting of the Committee held on 14th July 2022 be approved as a correct record.

3 Declaration of Interests and Lobbying

In the interests of transparency, Councillor Lawson advised that he had previously spoken to the press in respect of Application 2022/20509, but this item was before the Committee for information and he would retain an open mind.

4 Admission of the Public

All items on the agenda were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit: Pre- Application 2022/20509

Site visit undertaken.

8 Planning Application - Application No: 2022/91456

The Committee gave consideration to Application 2022/91456 in respect of a reserved matters application pursuant to outline permission 2021/91544 for the erection of health and research innovation campus comprising: Class F1(a)- education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)- research/development of products/processes; multi storey car park; Class E(a)- display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP) at Southgate/Leeds Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Iain Bath (the agent).

RESOLVED -

(1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to;

(a) complete the list of conditions, including those contained within the report, as set out below:

1. Technical details for new road (adjacent Crown House).
2. Submission of permanent car parking arrangement.
3. Submission of car parking management plan.
4. Details of methods to promote town centre (or canal) walking route.
5. Cycle storage as shown to be provided.
6. Material samples to be provided.
7. Condition to control rooftop features.
8. Sprinkler tank details to be submitted.
9. Landscaping management and maintenance arrangements.
10. Site security measures to be detailed and implemented.
11. Yorkshire Water pipe easement, and

(b) secure a Section 106 agreement to cover the following matters:

Ecology – Contribution (£22,080) towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.

(2) In the circumstances where the Section106 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 be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors Davies, Firth, Hall, Lawson, Sokhal and Thompson (6 votes)

9 Planning Application - Application No: 2022/91453

The Committee considered Application 2022/91453 in respect of the erection of a classroom and play deck at Southgate School, Southfield Road, Almondbury, Huddersfield.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the report, as set out below:

1. Three years to commence development
2. To be built in accordance with the approved plans and documents.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors Davies, Firth, Hall, Lawson, Sokhal and Thompson (6 votes)

10 Pre-Application 2022/20509

The Committee received a pre-application report in respect of proposed development collectively known as the Cultural Heart, Huddersfield.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Gregg.

Under the provisions of Council Procedure Rule 37, the Committee heard a presentation and asked questions of George Wilson (Architect), Rebecca Grace (Planning Consultant), Javed Hussain (Highways Consultant), David Glover (Council Project Lead), Darren Hodgson (Project Manager) and Chris Calvert (Planning Consultant).

The Committee noted the contents of the report and presentation and made comments on the proposals.

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KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
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 20th July 2021, 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 55 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: 08-Sep-2022

Subject: Planning Application 2021/92086 Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX

APPLICANT

Redrow Homes Yorkshire

DATE VALID

25-May-2021

TARGET DATE

24-Aug-2021

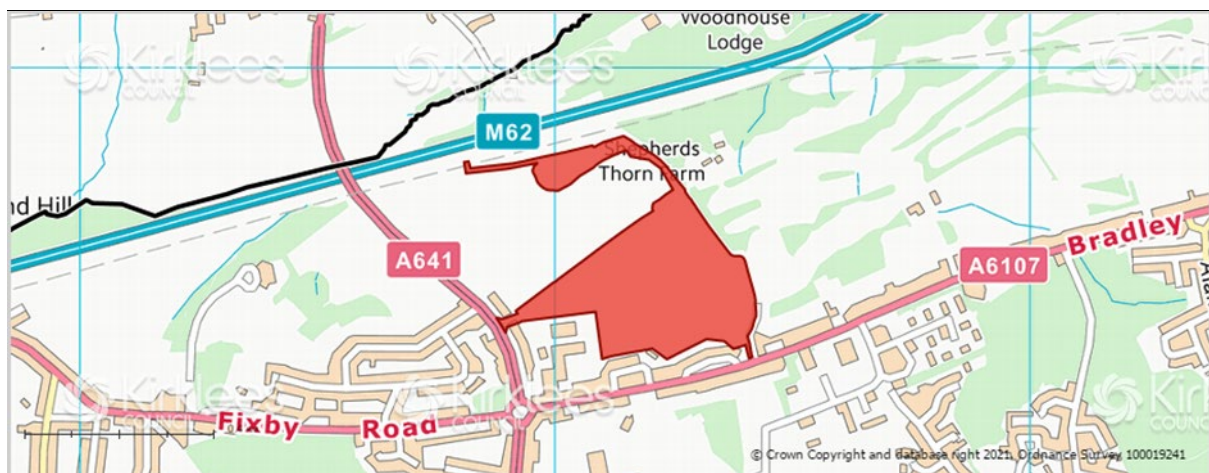
EXTENSION EXPIRY DATE

29-Jul-2022

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Subject to the Secretary of State not calling in the application, 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 – 55 affordable dwellings (30 affordable/social rent, 14 First Homes and 11 other intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £558,138 to address shortfalls in specific open space typologies.
- 3) On-site open space inspection fee – £250.
- 4) Education and child care – Contributions of: i) £91,956 towards early years and childcare provision; ii) £1,414,708 towards a new two form entry primary school; and iii) £473,391 towards secondary provision.
- 5) Off-site highway works – Contributions of: i) £820,474 towards the Cooper Bridge highway improvement scheme; and ii) £287,950 towards future capacity improvements at the Bradley Bar roundabout.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including: i) a £141,685.50 contribution towards sustainable travel measures; ii) implementation of a Travel Plan; iii) £15,000 towards Travel Plan monitoring; and iv) a £92,000 contribution towards new bus stops and bus stop improvements.
- 7) Air quality mitigation – Damage cost contribution of £30,757.
- 8) Biodiversity – Contribution of £230,690 towards off-site measures to achieve biodiversity net gain.
- 9) Odour – Cessation of egg production at adjacent farm.
- 10) Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.
- 11) Sports and recreation re-provision – Contribution of £575,786 towards re-provision of existing facilities within HS11 site.
- 12) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of street trees (if planted on land not adopted). Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.

All contributions are to be index-linked.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application would not be called in) 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 A pre-application enquiry (ref: 2020/20411) was submitted in relation to the proposal. A pre-application report relating to that proposal was prepared for the Strategic Planning Committee's meeting of 28/04/2021 but was not considered at that meeting.
- 1.3 At application stage, a Position Statement was considered by the Strategic Planning Committee at its meeting of 29/07/2021.
- 1.4 A subsequent report was considered on 14/07/2022, however the Strategic Planning Committee deferred its decision (as per the officer's revised recommendation) in light of the applicant's request for more information regarding the Section 106 contributions sought.
- 1.5 Officers subsequently provided the requested information and a revised education contribution calculation to the applicant. On 19/08/2022 the applicant confirmed that the Section 106 contributions were agreed.
- 1.6 On 04/08/2022 the council was informed that the Secretary of State for Levelling Up, Housing and Communities (SoS) had received a request from a third party to call in the current application. Officers have given an undertaking to the SoS not to issue the decision notice should the Strategic Planning Committee resolve to approve the application – this is to give the SoS an opportunity to decide whether or not to call in the application, which he would only do if the Strategic Planning Committee resolved to grant permission. The position regarding the SoS is reflected in the officer recommendation.

2.0 SITE AND SURROUNDINGS

- 2.1 The Bradley Villa Farm application site comprises approximately a fifth of the wider allocated site (HS11), at the west end of the allocation. The application site also includes 1.57 hectares of land within the green belt to the north of the allocated site. The application site is currently in agricultural use, and generally slopes downhill from southwest to east and northeast, while the part of the site within the green belt slopes downhill northwards towards the M62. 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 application site. The application site includes the highest part of the allocated site (approximately 165m AOD, close to Bradford Road). Tree Preservation Order 17/98/t8 protects a Hawthorn tree within the 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 (the hill, not the street of the same name) 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, including a historic milestone outside 684 Bradford Road.
- 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 generally 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 north-eastwards (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. A petrol station and shop exist at the junction of Bradley Road and Tithe House Way. There are also schools, nurseries, playspaces and open spaces. Regarding public transport, the main roads are served by the X63 and other bus services 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 Bradley 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 277 dwellings, with associated access, open space and landscaping, is proposed.

3.2 The proposed site layout includes a vehicular access provided from Bradford Road, with a spine road extending east-west across the site to its eastern boundary (where the site meets Shepherds Thorn Lane). Along the length of this spine road, further estate roads are proposed, lined with detached, semi-detached and terraced housing. A central area of open space is proposed, as is a smaller open space further west along the spine road.

3.3 Of the 277 units proposed, as per the revised accommodation schedule (rev Q) and drawings submitted on 11/08/2022, 133 (48%) would be detached. 10 (4%) would have one bedroom, 78 (28%) would have two bedrooms, 77 (28%) would have three bedrooms, and 112 (40%) would have four bedrooms.

3.4 55 affordable housing units are proposed, representing a 20% provision. These would be provided as 7x 1-bedroom apartments and maisonettes, 24x 2-bedroom apartments and houses, 22x 3-bedroom houses and 2x 4-bedroom houses. In terms of tenure, 30x affordable/social rent, 14x First Homes and 11x other intermediate units are proposed.

3.5 The majority of dwellings would have two storeys. The Lincoln house type would additionally have a storey in its roof space, and the two proposed Charterhouse apartment blocks would have three storeys. 17 house types are proposed, as are variations of those house types. Four maisonettes are proposed. Roofs would be hipped or pitched, and some dwellings would have front feature gables and bay windows. The proposed materials include brown brick, two colours of red brick, "chalk-coloured" render, timber cladding, and red and grey concrete roof tiles.

3.6 Outside the HS11 site allocation, the applicant proposes drainage infrastructure, including a pumping station, attenuation tank and basin, and an access lane. Reshaping of the land, level changes and a retaining wall are proposed in association with this provision.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Various applications relating to land immediately outside the 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, and application ref: 2017/90749 relating to a detached garage with annexe accommodation above associated with 688 Bradford Road.

4.2 On 04/09/2020 planning permission was granted for the erection of 105 dwellings with associated highways works and landscaping at part of the 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 The following meetings were held at pre-application stage:

- 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 At pre-application stage the applicant team initially submitted a proposed site layout, drawings of standard house types, and a Heritage Impact Assessment. Further information was submitted during pre-application discussions, including masterplan concept drawings, draft parameter plans, masterplan workshop slides, and suggested Landscape and Visual Impact Assessment viewpoints.

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.

5.5 The current application was submitted on 18/05/2021. During the life of the application, and following commencement of the council's first public consultation on the application, the following information has been submitted and amendments have been made:

- Number of dwellings increased from 270 to 277.
- Application site red line boundary enlarged to north of farm.
- Revised layout (including fewer cul-de-sacs, revised pedestrian routes, 3m wide cycle/footway now proposed on both sides of the spine road, revised entrance from Shepherds Thorn Lane, planted buffers along northern edge of site and north corner adjacent to lane, and revised spine road alignment).
- Two apartment blocks now proposed at east end of spine road.
- Revisions to dwelling types and sizes.
- Revisions to unit size mix (including affordable unit size mix).
- Utility Report submitted.
- Housing Mix Report submitted.
- Addendum Bat Report submitted.
- Transport Assessment Addendum submitted.
- Corrections made to titles of (and references within) Flood Risk Assessment and ES Chapter 15.
- Drawings of proposed drainage interventions (north of the development) submitted.
- House type drawings submitted.
- Energy and Sustainability Statement revised.
- Geoenvironmental investigation reports submitted.
- Applicant agreed that an Archaeological Evaluation (provided by the West Yorkshire Archaeological Advisory Service) be included in the application submission.

- Emergency access moved from southeast corner of site to junction of spine road and Shepherds Thorn Lane.
- Detailed drawings of site entrances, Bradley Bar roundabout and Bradford Road works submitted.

5.6 Meetings were held with the applicant team on 12/07/2021, 02/08/2021, 14/02/2022, 16/02/2022, 22/02/2022 and 12/05/2022.

5.7 Following the deferral of the Strategic Planning Committee's decision on 14/07/2022, the applicant submitted amended layout drawings (amending an area around units 143 to 147, for drainage reasons), and a revised accommodation schedule (rev Q) which increased the proportion of 3-bedroom units and decreased the proportion of 4-bedroom units.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be 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 majority of the 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)
- Kirklees First Homes Position Statement (2021)
- 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)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)

- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021) Viability Guidance Note (2020)
- Planning Applications Climate Change Guidance (2021)

Climate change

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

6.8 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.9 The National Planning Policy Framework (2021) 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 13 – Protecting green belt land
- 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

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

6.11 Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- 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)
- Securing developer contributions for education (2019)

7.0 PUBLIC/LOCAL RESPONSE

7.1 In February and March 2021 the applicant team carried out local pre-application consultation. This took the form of a leaflet drop to c2,500 properties, and an online consultation. The applicant's Statement of Community Involvement summarises the 78 responses received.

7.2 At application stage, the application was advertised as a major development, as Environmental Impact Assessment development accompanied by an Environmental Statement, and as development affecting a public right of way and the setting of a listed building.

7.3 The application was advertised via five site notices posted on 07/06/2021, a press notice on 18/06/2021, and letters delivered to addresses close to the application site. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 08/07/2021.

7.4 34 representations were received in response to the council's consultation. These were posted online, and included representations from the Huddersfield Civic Society, the Kirklees Cycling Campaign and the British Horse Society. The following is a summary of the comments made:

- Loss of green belt land.
- Brownfield land should be developed instead.
- Loss of agricultural land. Query if farmland is suitable for development. Farm would become landlocked.
- Not enough green space is being preserved.
- Objection to lack of a masterplan.
- Proposed pumping station is outside site allocation.
- Safety concerns regarding proposed Bradford Road site entrance.
- Increased traffic on Bradford Road, Bradley Road, and junctions. Traffic already diverts from the M62. Congestion already occurs at start and end of school day.
- Cumulative highway impacts.
- Access shouldn't be allowed onto Shepherds Thorn Lane – this would become a rat run, endangering walkers and cyclists.
- Spine road through HS11 site would become a rat run, as drivers avoid roundabout and traffic lights on Bradley Road.
- Objection to access to pumping station from Shepherds Thorn Lane.
- Risk of new residents parking on Shepherds Thorn Lane.
- Construction access should only be allowed from Bradford Road, and not from Shepherds Thorn Lane.

- Concern regarding emergency access proposed from Shepherds Thorn Lane.
- Proposal is highly car-based.
- Shepherds Thorn Lane should be closed to vehicular traffic (except for access).
- Shepherds Thorn Lane should be upgraded to a multi-user bridleway with an improved surface. Parapets should be added to M62 bridge.
- North-south and east-west cycle routes required.
- Direct access points to cycle routes required, instead of cul-de-sacs.
- Proposal fails to address active travel requirements.
- Uniform 20mph speed limit needed throughout development.
- Lack of pedestrian safety measures for crossing Bradley Road.
- Lack of local infrastructure. Council services already cannot cope.
- Schools are already at capacity.
- Proposal does not include the required two form entry primary school.
- No additional medical or dental provision proposed. Hospitals already have long waiting lists.
- Lack of information regarding utility connections. No substations are shown.
- Lack of playspace.
- Loss of recreational opportunities.
- Increased flood risk. Corner of site at Shepherds Thorn Lane already floods.
- Bore holes and archaeological dig have caused run-off.
- Vegetation removal would increase run-off.
- Increased air pollution.
- Loss of natural light.
- Light pollution.
- Overlooking and loss of privacy.
- Loss of views.
- Littering would occur.
- Nuisance would occur.
- Proposal fails to address climate change. Proposals are at odds with council's plan to tackle the climate emergency.
- Opportunities for solar gain and photovoltaic electricity generation not taken into account.
- Odours from pumping station.
- Increased noise.
- New dwellings would be affected by noise from M62.
- Amenity impacts during construction.
- No assessment made of health impact.
- Harm to heritage assets.
- Typical, repetitive designs proposed. Standard Redrow house types proposed. No attempt to reflect local features or materials. Design out of keeping with surroundings. Confused appearance due to many house types. Proposed houses offer no local distinctiveness or quality.
- Proposed green areas should be relocated close to Shepherds Thorn Lane.
- Erosion of green belt between Huddersfield and Brighouse.
- Impact on wildlife, including bats.
- Net loss to biodiversity.
- Adverse impact on function of the site as a green corridor.
- Impacts on hedgerows.

- Loss of trees.
- Security risk to adjacent properties.
- Lack of benefit to local community.
- No demand for this amount of housing.
- Human rights would be infringed upon.
- Impact on stability of adjacent properties.
- Inaccuracies in application documents. Information is missing or out-of-date.
- Application documents are numerous, not in order, and unclear.
- Lack of consultation. No feedback provided following earlier consultation. Site notice on Shepherds Thorn Lane is difficult to see.

7.5 In light of the amendments made to the proposals during the life of the current application (including to the application site red line boundary), a second round of public consultation was carried out by the council. The application was again advertised as a major development, as Environmental Impact Assessment development accompanied by an Environmental Statement, and as development affecting a public right of way and the setting of a listed building. Six site notices were posted on 12/03/2022, a press notice was published on 25/03/2022, letters were delivered to addresses close to the application site, and parties who had previously commented on the application were emailed. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 14/04/2022.

7.6 A further 25 representations were received in response to the council's reconsultation. These were posted online. The following is a summary of the additional comments made:

- Lack of details of materials.
- No placemaking or enhancement of Ashbrow.
- Objection to increase number of units.
- Replacement of Bradley Road bungalows with large houses is already limiting options for downsizing.
- Affordable housing would not be prioritised. Likely prices would not be affordable.
- Lack of boundaries between existing and proposed gardens.
- Lack of privacy for new residents.
- Local lack of playspace.
- Developments were previously thought possible given proposals to improve Cooper Bridge and M62 access, however those improvements are no longer proposed.
- Danger to walkers and cyclists using Shepherds Thorn Lane.
- Query need for cycle route through site.
- Risk of site entrance (southeast corner of site) being opened up for vehicular traffic.
- Obstruction of access on Shepherds Thorn Lane.
- Visitor parking would attract more traffic to site.
- Toucan crossing welcomed.
- Clay-based soils would inhibit drainage.
- Increased pollution.
- Spacing away from farm needed, to address odour concerns.
- Residents would be penalised by biodiversity net loss while another location gains.
- Ecological surveys carried out outside optimum period.

- No guarantee that future residents would maintain biodiversity measures and trees.
- Risk of damage caused by roots of new trees.
- Proposals are not supported by consultees.
- Query if Section 106 agreement has been completed.
- Query amendment to application site red line boundary.
- Objection to piecemeal submissions by applicant.

7.7 Following the applicant's submission of drawing 19154/GA/06 rev A on 21/06/2022, reconsultation letters were sent to the occupants of 11 properties on Bradford Road. The letters specifically referred to that drawing, and the indicative proposals for the footway and grass verges on the east side of Bradford Road. The end date for this reconsultation was 11/07/2022. No representations were received in response to that specific reconsultation.

7.8 Responses to the above comments are set out later in this report, where necessary.

7.9 Submissions made by the applicant after the deferral of the Strategic Planning Committee's decision on 14/07/2022 did not necessitate public reconsultation.

8.0 CONSULTATION RESPONSES

8.1 Statutory:

8.2 Coal Authority – Material consideration. Proposed housing is not within development high risk area, but proposed attenuation is. Condition required regarding intrusive site investigation.

8.3 Environment Agency – No objection.

8.4 Historic England – No comment.

8.5 Lead Local Flood Authority – No objection. Detention basin acceptable, and applicant's proposal to not utilise the basin for SUDS treatment is accepted. Connection to M62 drainage and discharge rate are acceptable. Supervised site investigation on 13/07/2022 found that a culverted watercourse does not appear to extend into the site. Flood routing has been adequately addressed, including at the corner of the site where a gap and appropriate levels are now proposed around units 143 to 147. Permitted development rights within the gap should be removed. Section 106 agreement should secure management and maintenance of the drainage scheme until adopted.

8.6 National Highways (formerly Highways England) – No objection.

8.7 Natural England – No objection.

8.8 **Non-statutory:**

- 8.9 KC Conservation and Design – [Pre-amendment comments]: Objection. Premature proposal, given the requirement to frame the development within a masterplan covering the wider HS11 site. Proposal potentially compromises aspects of the wider HS11 development. Application does not include design codes. Submitted layout only includes suburban-style housing (with a heavy emphasis on vehicle parking) and no clear indication of how to accommodate or connect to the required community services or how the scheme would contribute to a viable green infrastructure, recreational or wildlife corridors. The premature and isolated nature of the scheme means that it does not currently meet the design requirements of the Local Plan allocation HS11, Local Plan policies LP5 and LP24 or NPPF paragraph 127. Proposed housing layout is effectively a large cul-de-sac. Inadequate local amenity provision. Adverse impact on heritage assets – this would be less than substantial, so must be assessed against public benefits in accordance with NPPF paragraph 196 and Local Plan policy LP35. Adverse impact on Shepherds Thorn Lane. Requirement for tree-lined streets appears to be addressed. Proposed design does not address biodiversity net gain requirement. Frontage parking should be reconsidered. Transformative and adverse landscape impact.
- 8.10 KC Ecology – Proposed development would result in a net loss to habitats. Net gain required.
- 8.11 KC Education – £473,391 towards secondary provision required.
- 8.12 KC Environmental Health – Applicant’s methodology and approach to air quality accepted. In the absence of low emission mitigation measures of sufficient value, a Section 106 agreement will need to secure an air quality damage cost contribution. Odour assessment found odour impacts of concern, and has only surveyed site in winter. Electric vehicle charging proposals acceptable (condition recommended). Construction Environmental Management Plan required. Site contamination conditions recommended in light of information missing from submission. Regarding noise, as some dwellings would not achieve acceptable internal noise levels with windows open on warmer days, details of alternative ventilation are required. Details of acoustic fence required.
- 8.13 KC Highways Development Management – Traffic impacts of proposed 277 units, and proposed development’s contribution towards total traffic of HS11 allocated site, need mitigation. £820,474 required towards Cooper Bridge highway improvement scheme. £287,950 contribution required towards future capacity improvements at Bradley Bar roundabout. Designs of Bradford Road and Shepherds Thorn Lane (Bradley Road) entrances broadly acceptable, subject to relocation of Toucan crossing, and road safety audits required for both entrances and for internal layout. Spine road design and future bus stop locations acceptable. Contributions required towards new bus stops and upgrading existing bus stops as per West Yorkshire Combined Authority. £141,685.50 contribution required towards Sustainable Travel Fund (based on 277 units x £511.50 bus-only MCard cost).
- 8.14 KC Highways Structures – Conditions recommended, should structures adjacent to the highway be proposed.

- 8.15 KC Landscape – Off-site contribution of £558,138 to address shortfalls in specific open space typologies required. Should some of the amenity space be carefully designed to incorporate playable space/play features and/or incorporate a community orchard/growing area, pocket park etc, other typologies could be also taken into account which would reduce the required off-site contribution.
- 8.16 KC Public Health – Advice provided regarding green spaces, travel, opportunities for activity and other matters relevant to public health.
- 8.17 KC Public Rights of Way – [Pre-amendment comments]: Bridleway link (not a footpath) requested at north end of site. Off-site improvements should be made to local access, including to Shepherds Thorn Lane and bridleway north of the M62. Details of cycle way requested. Details of emergency access to Shepherds Thorn Lane requested. Access from open space to Shepherds Thorn Lane should be provided.
- 8.18 KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Huddersfield North area there is a significant need for affordable 3- and 3+-bedroom homes, as well as 1- and 2-bedroom affordable homes. Given the number of 4-bedroom units proposed, the development should contribute to the need for affordable 3+-bedroom homes. Affordable units should be distributed evenly throughout the development, and indistinguishable from market housing. 55%/45% tenure split required.
- 8.19 KC Strategic Waste – There are no closed, historical or operational landfill sites within 250m of application site.
- 8.20 KC Trees – Amendments are positive with regard to trees. Tree T23 could also be retained. Tree Protection Plan and Arboricultural Method Statement required.
- 8.21 KC Waste Strategy – [Pre-amendment comments]: Concerns regarding access to bins, bin storage and manoeuvring space for refuse vehicles.
- 8.22 National Grid – No objection.
- 8.23 Sport England – No comment.
- 8.24 West Yorkshire Archaeological Advisory Service – Further intrusive site investigation is required in light of recent bronze age finds. This can be conditioned.
- 8.25 West Yorkshire Combined Authority – Contributions required: £46,000 towards spine road bus stops, £46,000 towards existing bus stops, Sustainable Travel Fund contribution required.
- 8.26 West Yorkshire Police Designing Out Crime Officer – [Pre-amendment comments]: Objection to proposed level of access to rear gardens, inadequate fencing and lighting.
- 8.27 Yorkshire Water – No objection, subject to conditions.

- 8.28 Yorkshire Wildlife Trust – An overall net loss of biodiversity has been predicted, but the mechanism for delivering 10% net gain has not been confirmed. Further clarity required regarding the approach to delivering biodiversity net gain.

9.0 SUMMARY OF MAIN ISSUES

- Environmental Impact Assessment
- Land use and principle of development
- Masterplanning
- Quantum and density
- Sustainability and climate change
- Green belt impact
- Urban design matters
- Heritage assets
- Landscape impacts
- Infrastructure requirements and delivery
- Residential quality and amenity
- Affordable housing
- 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 MAIN ISSUES – ASSESSMENT

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 was therefore advised (at pre-application stage) to submit an Environmental Statement (ES) that related to all parts of HS11 in support of a 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).
- 10.3 The applicant has duly submitted an ES with the current application. This ES refers to all of the allocated site (HS11), and a development of c1,460 units (with additional capacity for a further 498 dwellings post plan period), a spine road, a two form entry primary school, public open space, a new local centre, and a nine-hole golf course with a driving range, clubhouse and two 3G pitches. The matters considered in the ES are:

Chapter 5 – Socio-Economics and Community (including Health Impact Assessment)
Chapter 6 – Highways
Chapter 7 – Landscape and Visual Impact
Chapter 8 – Ecology
Chapter 9 – Trees

Chapter 10 – Archaeology
Chapter 11 – Heritage
Chapter 12 – Air Quality and Odour
Chapter 13 – Noise and Vibration
Chapter 14 – Ground Conditions
Chapter 15 – Flood Risk and Drainage
Chapter 16 – Lighting
Chapter 17 – Cumulative Effects

- 10.4 Other matters (such as wind and microclimate, electrical interference, solar glare and daylight, sunlight and overshadowing) are not referred to in the ES.
- 10.5 The ES is cross-referenced to other application documents, where necessary.
- 10.6 Cumulative impacts of the proposed development and development at other sites are considered by the applicant in the ES. At pre-application stage officers advised the applicant to consider:
- The 105 units already granted planning permission at the HS11 allocated site at Tithe House Way under application ref: 2018/93965.
 - Sites referred to in Calderdale Council's previous advice, including potential development at the proposed LP1451 allocated site (Brighouse Garden Suburb).
 - HS12 – Land north and west of Gernhill Avenue, Fixby. Housing allocation (indicative capacity: 377 units). Planning permission granted for 252 units under application ref: 2018/92055.
 - ES1 – Land at Bradley Business Park (Aflex Hose site), Dyson Wood Way, Bradley. Employment allocation (indicative capacity: 15,155sqm floorspace). Planning permission granted for 19,202sqm B1(a), B1(b), B2 and B8 floorspace under application ref: 2018/91432.
 - HS13 – Land to the east of Netheroyd Hill Road, Cowcliffe. Housing allocation (indicative capacity: 68 units).
 - HS14 – Land north of Ashbrow Road, Brackenhall. Housing allocation (indicative capacity: 162 units). Planning permission granted for 161 units under application ref: 2019/92940.
 - ES9 – Former Cooper Bridge Waste Water Treatment Works, Leeds Road. Employment allocation (indicative capacity: 14,910sqm floorspace).
 - MXS6 – Land at Slipper Lane and Leeds Road, Mirfield. Mixed use allocation (indicative capacities: 166 residential units and 17,234sqm employment floorspace). Various permissions granted for residential and employment development.
- 10.7 Officers' assessment of the applicant's ES is set out in this report.

Land use and principle of development

- 10.8 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. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

- 10.9 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.
- 10.10 With regard to the five-year housing land supply position in Kirklees, the most recently-updated information confirms that the council is currently able to demonstrate 5.17 years of deliverable housing land supply, and therefore Kirklees continues to operate under a plan-led system.
- 10.11 A residential development of 277 dwellings would make a significant contribution towards meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application.
- 10.12 Full weight can be given to site allocation HS11, which allocates the majority of the application 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.
- 10.13 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 1c 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.
- 10.14 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

- 10.15 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.

Masterplanning work to date

- 10.16 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 was considered 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.
- 10.17 As detailed in the previous Position Statement relating to this application (considered by the Strategic Planning Committee at its meeting of 29/07/2021), the applicant's initial approach to this site raised significant concerns, as no masterplan, or evidence of masterplanning work, was submitted with the applicant's initial request for pre-application advice in 2020. In response to these concerns, the applicant team carried out masterplanning work at pre-application stage, and has submitted an indicative HS11-wide masterplan at application stage. During the life of the application, amendments were made to the proposals for the Bradley Villa Farm site, to ensure they would interface well with any future development on the council-owned land to the east.
- 10.18 The preference would have been for both HS11 landowners to work together, revisit the council's 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 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 (as local planning authority) has had to deal with at other sites. With housing delivery targets in mind, a degree of flexibility can be allowed, and therefore officers previously advised that the applicant team could proceed with a standalone application that only related to the Bradley Villa Farm part of the wider HS11 site, 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 applicant team propose at the Bradley Villa Farm site.
- 10.19 To assist the 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

about 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.

10.20 The applicant's application-stage indicative HS11-wide masterplan (865A-01A) and the accompanying Design and Access Statement suggest how the wider site may be developed, and how the applicant's proposals for the Bradley Villa Farm site would fit within that wider development. Of note, the applicant's indicative masterplan shows:

- East-west spine road – This would connect Bradford Road to Tithe House Way, along a similar alignment to that shown in the council's 2017 masterplan.
- Three vehicular access points – Bradford Road, Tithe House Way and Lamb Cote Road. No vehicular access is shown from Shepherds Thorn Lane.
- Vegetation largely retained – The suggested developable areas appear to work around existing tree and biodiversity constraints.
- Public Rights of Way – Retained along their current alignments.
- New routes – Throughout the HS11 site, for pedestrians and cyclists, including east-west routes across Shepherds Thorn Lane.
- Character areas – Four areas are suggested by the applicant:
 - Garden Village (Arts and Crafts) – Covering the Bradley Villa Farm site and some land to the east.
 - West Hamlet (traditional) – Near to the Grade II listed barn.
 - East Hamlet (contemporary) – The northernmost residential development area.
 - Urban Village (contemporary) – Covering the area between Lamb Cote Road and Tithe House Way (to the rear of 206 to 332 Bradley Road) and including the suggested local centre and primary school.
- Local centre – Indicatively shown off Lamb Cote Road, to the rear of 328 to 332 Bradley Road.
- Primary school – Indicatively shown to the north of the local centre.
- Reprovided golf/sports facilities – Shown in the northeast part of the site.

- New woodland areas – Suggested along the north boundary of HS11.
- Overhead power lines – Significant distances would be maintained between new development and overhead power lines and their pylons.

10.21 The above aspects of the indicative masterplan are largely considered appropriate, and reflect an adequate understanding of the HS11 site, its constraints and its context.

Developable areas

10.22 Regarding developable areas, the applicant has appropriately suggested that these should largely work around existing tree and biodiversity constraints. It is also noted that the applicant has suggested that most of the developable areas should be located well away from the north boundary of HS11, and that new areas of woodland planting would be appropriate along this boundary. For the Bradley Villa Farm part of HS11, development is proposed close to the north boundary of HS11, however the impact of this would be softened by the planting added to the proposals during the life of the current application (this matter is considered in detail later in this report). Historic England and KC Conservation and Design have not raised an objection to the indicative developable areas in relation to the Castle Hill Settings Study (and the significant east-west ridgeline identified therein). Calderdale Council have not objected to the application on landscape and visual impact grounds. Comments from the Lead Local Flood Authority do not suggest that any of the indicative developable areas are incapable of accommodating residential development due to flood routing concerns. Similarly, information relating to ground conditions has not ruled out any of the indicative developable areas. Other constraints and considerations (including the need to meet playspace needs within appropriate walking and stand-off distances, impacts of development upon the setting of (and the rural approach to) Shepherds Thorn Farm, the need to achieve biodiversity net gains and the provision and distribution of open space) may necessitate future refinement of the indicative developable areas, but do not suggest the applicant's general approach is problematic.

10.23 During the life of the application, and in light of site investigation carried out in response to comments from KC Environmental Health, the applicant established that odours from the egg production facility at Bradley Villa Farm would impact upon significant parts of the application site, and would reduce the developable area of HS11. The applicant found that these impacts could not be mitigated with appropriate screening or other physical measures. The applicant has therefore negotiated with the adjacent farmer, who has agreed to cease egg production activity. This cessation would need to be secured and made permanent via a Section 106 obligation – this would essentially be a unilateral element within the required agreement, placing no obligation on the council. The relevant wording would need to ensure that no egg production (or other odorous activity or process, be it agricultural or not) would be introduced or resume at any point in the future. A related recommended condition would ensure that no new dwellings in the odour-affected parts of the application site could be occupied prior to the adjacent egg production activity permanently ceasing.

10.24 Also related to developable areas, the applicant's HS11-wide approach to quantum and density is largely considered acceptable. In particular, the applicant's proposal to focus a significant quantum of development at the Bradley Villa Farm site (as part of a masterplanned approach to HS11) is

supported. Site allocation HS11 does not specify quanta of development to be accommodated within each part of the allocated site. Given the constraints elsewhere within the HS11 allocated site, if the expected c1,958 units are to be accommodated, it may be the case that unacceptably high densities would need to be proposed within the council-owned land unless the less-constrained Bradley Villa Farm site is allowed to shoulder a proportionately greater quantum of development.

Land use

- 10.25 Regarding land use and the locations of non-residential uses shown in the applicant's indicative masterplan, it is noted that site allocation HS11 does not specify where the primary school and local centre should be located. The council's 2017 masterplan suggested that these uses should be located towards the centre of the site. Similarly, although the consultants 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), more recent masterplanning work carried out by Cushman and Wakefield (on behalf of the council as landowner) has again suggested that non-residential uses should be located towards the centre of the allocated site. A similar approach to land use has been adopted by the applicant in documents submitted with the current application. This is considered acceptable, given that the school would largely (but not exclusively) serve the new residents of the HS11 site (and should, therefore, be provided in an accessible and reasonably central location), and given that a new school should preferably be delivered on council-owned land. The northeast part of HS11 is considered to be the appropriate location for reprovided golf/sports facilities.

Future development

- 10.26 The future development of the larger (council-owned) part of allocated site HS11 would be dependent upon the proposed spine road being extended eastwards from the Bradley Villa Farm site. This means that, within the Bradley Villa Farm site, the adoptable highway of the spine road must meet the carriageway of Shepherds Thorn Lane. To avoid a ransom scenario being created, no land between the carriageways of the spine road and Shepherds Thorn Lane should be left unadopted, and detailed drawings (to be secured by recommended condition) and planning obligations would be required to confirm this.
- 10.27 During the life of the application, the alignment of the proposed spine road has been amended, so its future eastwards trajectory would avoid an existing pond within the golf course. This would help ensure valuable habitats would not need to be lost as part of a future development of the council-owned part of HS11.

10.28 It is noted that site allocation HS11 also includes the farmyard and buildings (including the farm shop) of Bradley Villa Farm. This land (approximately 2 hectares in size, and capable of accommodating major development) is not included in the current application's red line boundary, as the owner has decided not to release it for development at this time. It would remain allocated for residential development should the current application be approved. The current proposals would not sterilise this land – vehicular access to a future residential development on this land could be taken from the proposed spine road (as well as from Bradley Road), and no aspect of the current proposals would create a new context preventing or limiting such a development in the future.

Section 106 obligations

10.29 As noted above, masterplanning is relevant to Section 106 contributions and other obligations. Provisions intended to enable development of the wider HS11 site (and to mitigate the impacts of that development) should be fairly apportioned among the developers of parcels of land within the allocated site. No single developer should be unfairly burdened with mitigating the impacts of all development across HS11, or with a disproportionate share of that mitigation. This is especially relevant where developers are at different stages in bringing forward their schemes, or where mitigation is only required when a certain quantum of development is completed.

10.30 At the Bradley Villa Farm site, while the proposed 277 units may not cause significant impacts (requiring mitigation) in relation to certain planning matters, they would certainly contribute towards the impacts caused by development of the wider HS11 site. In light of the council's masterplanning approach, it is recommended that the Section 106 Heads of Terms include contributions and obligations that are not only required in relation to mitigation of the impacts of 277 units, but that are also required for development enablement and cumulative (HS11-wide) mitigation reasons.

10.31 Of note in relation to masterplanning, the recommended Section 106 Heads of Terms include:

- Education and child care – Contribution of £91,956 towards early years and childcare provision and a contribution of £1,414,708 towards a new two form entry primary school;
- Off-site highway works – Contribution of £820,474 towards the Cooper Bridge highway improvement scheme and a £287,950 contribution towards future capacity improvements at the Bradley Bar roundabout.
- Sustainable transport – A £46,000 contribution towards new bus stops on the spine road.
- Odour – Cessation of egg production at adjacent farm.
- Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.
- Sports and recreation re-provision – Contribution of £575,786 towards re-provision of existing facilities within HS11 site.
- Management and maintenance – Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.

- 10.32 In addition, recommended conditions relevant to masterplanning include those regarding electricity supply (discussed later in this report at paragraphs 10.115-116) and future junction works at Bradford Road.

Masterplanning conclusion

- 10.33 Given the above assessment, it is considered that the masterplanning work carried out by the applicant is sufficient for the purposes of informing an assessment of the current application.
- 10.34 Of note, should planning permission be granted for the proposed development, the applicant's masterplan would not be included in the approved drawings and documents listed in the council's decision letter, as the masterplan is indicative and is intended to illustrate (and inform an assessment of) how the wider site may be developed and how the applicant's proposals for the Bradley Villa Farm site would fit within a wider development. The council's approval of the current application would not bind the council (as adjacent landowner) to the layout and other parameters illustrated in the applicant's indicative masterplan.
- 10.35 The recommended conditions and Section 106 Heads of Terms would ensure the proposed development would sufficiently and fairly contribute towards the enabling of development elsewhere within the HS11 allocated site, and towards mitigation of the impacts of HS11-wide development.

Quantum and density

- 10.36 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.
- 10.37 To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve.
- 10.38 Any proposal at the Bradley Villa Farm site would be expected to make a significant contribution towards the quanta set out in site allocation HS11, however it is again noted that the site allocation does not specify how many dwellings should be provided in each part of HS11.

- 10.39 With 277 units proposed in 12.4 hectares, a density of 22.3 dwellings per hectare would be achieved by the proposed development. However, that 12.4 hectare figure includes green belt land where residential development would not be considered appropriate. Excluding that part of the application site, a site area of approximately 9.85 hectares is arrived at. With 277 units proposed in those 9.85 hectares, a density of 28.1 dwellings per hectare would be achieved. This falls short of the 35 dwellings per hectare figure set out in Local Plan policy LP7 and which already takes into account likely on-site open space needs.
- 10.40 Page 44 of the submitted Design and Access Statement suggests a residential density of 33 dwellings per hectare would be achieved, however this was based on the previously-proposed 270-unit scheme and an area figure of 8.23 hectares (excluding open space). More recently, on 10/11/2021, the applicant team suggested that the buffer planting areas and spine road verges added to the proposals during the life of the application could be excluded from density calculations, resulting in a site area figure of 9.24 hectares which – with 277 units now proposed – would result in a density of 30 units per hectare.
- 10.41 Of note, the above site area figures do not include the land added on 11/03/2022 (amended site location plan BVF-16-02-02 rev A) to the immediate north of the existing farm, however this amendment did not add developable land to the application site.
- 10.42 Of the 277 units proposed, 133 (48%) would be detached. As per the revised accommodation schedule (rev Q) and drawings submitted on 11/08/2022, 112 dwellings (40%) would have four bedrooms, 77 (28%) would have three bedrooms, 78 (28%) would have two bedrooms and 10 (4%) would have one bedroom. This compares with:
- This applicant's earlier 270-unit proposal for this site, where 171 (63%) detached dwellings were proposed, 136 units (50%) would have had four bedrooms, and 89 (33%) would have had three bedrooms.
 - Merchant Fields, Cleckheaton (ref: 2021/92801) 291-unit scheme, 206 (71%) are to be detached, 150 (52%) are to have four bedrooms, and a density of 33 dwellings per hectare is to be achieved. Approved.
 - Owl Lane, Chidswell (ref: 2019/92787). 260-unit scheme, 100 dwellings (38%) are to be detached, 44 (17%) are to have four bedrooms, and a density of 33 dwellings per hectare is to be achieved. Approved.
 - Land east and west of Netherton Moor Road, Netherton (ref: 2019/93550). 250-unit scheme, 114 (46%) are to be detached, 53 (21%) are to have four bedrooms, and a density of 30 dwellings per hectare is to be achieved. Approved.
- 10.43 The preponderance of larger and detached units in the applicant's earlier 270-unit proposal contributed to the proposed development's density shortfall. Amendments made during the life of the application have gone some way towards addressing this concern, and in light of these amendments (and, to an extent, the relevant requirements that have reduced the site's developable area) it is recommended that the quantum and density now proposed be accepted. This conclusion is further supported by the proportions of detached and larger dwellings previously accepted by the council at other sites, as detailed above.

10.44 Crescendos and other variations of density can enhance and aid legibility, wayfinding, character and neighbourhood distinctiveness. The previous Position Statement relating to this application noted that the applicant's approach to typologies (which located detached dwellings along the spine road and open spaces, with more dense terraced housing confined to the secondary streets) could have assisted in these respects, however it was also noted that the entire length of the spine road would have been lined with detached dwellings (except for one pair of semi-detached dwellings), with regular spacing and with no apparent thought to density variations that could add interest and legibility. These concerns were raised with the applicant team, and some amendments to density distribution have been made during the life of the application. The street block of 20 units at the west end of the application site would have a lower density which – together with the proposed materials here – would help that part of the proposed development reflect the character, spacing and typologies that already exist on Bradford Road. The proposed location of the two apartment blocks at the junction of the spine road and Shepherds Thorn Lane would help mark this nodal point.

Sustainability and climate change

10.45 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 pre-application stage, the applicant was advised to respond positively to the net zero carbon emission targets referred to earlier in this report. At application stage, an assessment is necessary to ascertain whether the proposed development would achieve net gains in respect of all three of the NPPF's sustainable development objectives.

10.46 The application site is considered to be a sustainable location for residential development, as it is on the edge of an existing, established settlement that is served by public transport and other (albeit limited) facilities. As noted above, the X63 Huddersfield-Bradford bus serves Bradford Road and cycle lanes have been marked out on the carriageway of Bradley Road. The surrounding area has a farm shop, a secondary school, a pub, sports facilities and employment opportunities, such that at least some of the daily, social and community needs of residents of the proposed development could be met, and combined trips could be made, which further indicates that residential development at this site can be regarded as sustainable.

10.47 Since the submission of the current application, the council approved a Planning Applications Climate Change Guidance document which advises applicants to submit a Climate Change Statement with all applications. Effectively, the applicant had already done this – an Energy and Sustainability Statement was submitted with the current application, and the applicant has referred to sustainability and climate change in other submission documents. This is welcomed.

10.48 Two further versions of the applicant's Energy and Sustainability Statement were submitted during the life of the application. In the most recent version (rev 3, received 05/05/2022), the applicant notes that a range of sustainability measures have "been given consideration" including in relation to reduction of construction and household waste, reducing water consumption, occupant wellbeing and sustainable transport.

- 10.49 With reference to Part L of the Building Regulations, the applicant's Energy and Sustainability Statement asserts that by following the applicant's proposed energy efficiency approach, the proposed development's predicted carbon dioxide emissions would be reduced by 3.77% over Part L requirements. The statement goes on to estimate that the proposed specification would result in a 13.91% improvement in Fabric Energy Efficiency over a Building Regulations compliant development.
- 10.50 It is unclear whether the above assertions (set out in a document dated 08/04/2022 and received 05/05/2022) relate to the version of Part L that became applicable on 15/06/2022, or the less onerous version that previously applied. However, this is a moot point given that the proposed development will in any case need to be built in accordance with the higher Part L standards that now apply.
- 10.51 On 05/07/2022 the applicant provided details of the proposed development's electricity connection and related matters. This included confirmation that the development's first 29 plots (where foundations would be excavated by July 2023) would be provided with gas boilers, although gas main connections would be laid to 41 plots as a contingency. The remainder (majority) of the site would have no gas connection, and dwellings would be provided with air source heat pumps. The proposed use of air source heat pumps for the majority of the application site is welcomed. A dwelling that relies on the national grid (which is being decarbonised) and an air source heat pump for its energy will – if not already, then in the future – be more sustainable than a dwelling that relies partly on a gas boiler for heating and hot water.
- 10.52 Given the range of uses proposed at (and surrounding) the allocated site, at pre-application stage (and in accordance with Local Plan policy LP26) officers advised that 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 applicant was advised to refer to this work.
- 10.53 At application stage, paragraph 5.65 of the submitted Planning Policy Statement suggested that this matter was addressed in the "Sustainability Statement", however the first submitted version of the Energy and Sustainability Statement did not address the matter, and no district or neighbourhood heat or energy network was proposed.
- 10.54 In the latest version (rev 3) of the applicant's Energy and Sustainability Statement, it is stated that the proposed development is not in an area where a connection to an existing district heating network is currently possible. It further notes that combined heat and power (CHP) plant (which could serve such a network) is most economical at large scale, where combined heat loads from numerous buildings (preferably with differing uses) provide a consistent baseload heat demand which can then be connected to a single heat source. It adds that the proposed energy-efficient dwellings would have a relatively low space heating and hot water requirement, and that the year-round base heat demand required to make CHP feasible would not be met by the summer hot water load of the proposed development.

- 10.55 While these assertions apparently disregard the future heat demands of the wider HS11 development and the possibility of a heat network connected to non-residential (education and employment) uses to the south, it is accepted that the higher Part L standards now applicable will reduce the potential energy savings that could have been achieved through district heating. It is also noted that many of the non-residential buildings to the south are relatively new, and are therefore unlikely to require replacement of their heating systems in the near future. Given these considerations, and the likely cost and complication involved in establishing a new district heat network (and related CHP plant or other source(s) of energy), it is considered disproportionate to require further effort or information from the applicant in relation to Local Plan policy LP26.
- 10.56 Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Further consideration of these matters is set out later in this report, however it is noted that the proposed development includes:
- Shared cycle/footways along the development's spine road, a cycle/footway connection to Bradley Road (at Shepherd's Thorn Lane), other connections to Shepherd's Thorn Lane (where an expansion of the existing Core Walking and Cycling Network is proposed) and routes for pedestrians and cyclists throughout the proposed development;
 - A new Toucan crossing (for pedestrians and cyclists) to Bradford Road;
 - Provision for future routing of bus services along the spine road;
 - Cycle storage;
 - Electric vehicle charging points;
 - A residential Travel Plan (to encourage the use of sustainable modes of transport) and related £15,000 monitoring fee;
 - A Sustainable Travel Fund contribution of £141,685.50;
 - A contribution of £46,000 towards the future provision of bus stops on the spine road; and
 - A contribution of £46,000 towards improvements to existing bus stops on Bradford Road.
- 10.57 Drainage and flood risk minimisation measures would need to account for climate change. This is addressed later in this report.
- 10.58 In relation to residential development, social sustainability largely concerns the creation of places that people will want to live in and remain living in, and that are convivial and create opportunities for interaction and community-building. Places offering low standards of residential amenity and quality are often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. Design, residential amenity and quality, open space, community facilities and other relevant matters are considered later in this report.
- 10.59 In relation to residential development, economic sustainability can concern employment and training opportunities during the construction phase. 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 applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship

programmes. Such agreements are currently not being routinely secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

- 10.60 Following completion of construction, opportunities for local employment are relevant to the consideration of the proposed development's economic sustainability. Of note, the application site is close to the Pennine Business Park and the Bradley Business Park (where at least one existing employer is known to be expanding, and where new speculative employment premises are under construction). In addition, the frequent X63 bus serving Bradford Road provides access to employment opportunities in Huddersfield, Bradford and locations en route.
- 10.61 In light of the assessment set out above and later in this report, it is considered that the proposal can be regarded as sustainable development.

Green belt impacts

- 10.62 Part of the application site is outside the HS11 boundary, and is in the green belt. Here (and close to the M62), the applicant proposes drainage infrastructure. The application site's red line boundary has been drawn to include this land.
- 10.63 Paragraph 145 of the NPPF states that, once green belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, or to retain and enhance landscapes, visual amenity and biodiversity.
- 10.64 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt.
- 10.65 Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. The paragraph specifies what types of development can be considered in this way, and the prescriptive list includes mineral extraction, engineering operations and material changes in the use of land.
- 10.66 Much of the above restrictions on green belt development are reiterated in paragraphs 19.2 and 19.7 of the Local Plan.
- 10.67 The drainage infrastructure proposed within the green belt includes an attenuation tank and basin, and an access lane. Reshaping of the land, level changes and a retaining wall are proposed in association with this provision. Drawing 4607-16-06-902 rev C was appended to the applicant's Flood Risk and Drainage Assessment (version 1.5) and suggested significant engineering works in relation to these works. Hachures and existing contours suggest steep banking would be created. A "drainage easement" was annotated around and above the proposed infrastructure. A foul water pumping station is proposed at the north corner of the residential development. At a meeting held on 12/07/2021 the applicant team advised that this would be an above-ground structure, but in a subsequent meeting on 02/08/2021 advised that the pumping station would be below ground, with only bollards at the surface.

- 10.68 Further information and drawings were provided by the applicant during the life of the application. This included sections confirming that excavation and mounding works would vary – new levels would be up to 4m lower and up to 2m higher (approximately) than existing levels. The applicant has estimated that 15,000 cubic metres of material would be excavated, of which some would be re-used on site (to create bunds around the basin and for other works), while an estimated total of 9,500 cubic metres of material would be removed from the site. Regarding surface treatments, the applicant confirmed that the “access track” annotated around the basin would not need to be hard surfaced. A form of boundary treatment would, however, be necessary to keep livestock away from the drainage infrastructure.
- 10.69 Enough detail has now been provided to inform an assessment of the development’s impact upon the openness of the green belt. The proposed drainage infrastructure can be regarded as development falling under paragraph 150 of the NPPF. The proposals would not involve new buildings in the green belt, and this part of the development would not have an urbanising effect. The reshaping of part of this hillside would not erode the openness of the green belt, nor would the creation of a below-ground tank (which would be covered with grass) or attenuation basin at the surface (whether dry or filled with water). Similarly, the proposed access lane, its retaining wall and boundary treatments would not erode openness if sensitively designed, landscaped and implemented in accordance with details to be submitted pursuant to a recommended condition. The proposals would not conflict with the purposes of including this land within the green belt.
- 10.70 Regarding the proposed below-ground foul water pumping station, a condition is recommended, requiring the submission of details of surface treatments, the proposed bollards, and any boundary treatment, to ensure this aspect of the development similarly does not adversely affect the openness of the green belt.

Urban design matters

- 10.71 Local Plan policies LP2, LP5, LP7, LP24 and LP35 are of particular relevance to this application in relation to design, as is the text of site allocation HS11 and the council’s Housebuilders Design Guide SPD. Chapters 11, 12 and 16 of the NPPF and the National Design Guide are also relevant. In relation to the Grade II listed barn at Shepherds Thorn Farm, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.
- 10.72 The Bradley Villa Farm site is currently undeveloped, agricultural land bordering the green belt to the north, and residential and agricultural development to the south. The wider HS11 site has a similar setting.
- 10.73 In some respects the Bradley Villa Farm site is relatively unconstrained, as it has no significant main road frontage, there are no above-ground designated heritage assets within the site (and there are few immediately adjacent), and although there are identifiable patterns in existing adjacent residential development, the surrounding area does not exhibit a strictly uniform character. To an extent, this context gives the applicant some freedom to design a scheme that has a distinctive character of its own, whilst being respectful of the site’s context.

10.74 The site does, however, have landscape sensitivities due to its topography, the fact that much of the site is visible from the north and east (and from public rights of way), and the site's location next to green belt land to the north. The site also forms part of the setting of the Grade II listed barn at Shepherds Thorn Farm, and a significant ridgeline (of relevance to the setting of Castle Hill) runs roughly east-west across the allocated site.

Site context

10.75 The existing residential development that surrounds the application site is mostly 20th-century suburban development, with buildings of two storeys, almost all detached or semi-detached. A small number of buildings are bungalows or have roof-level accommodation. Some terraces exist further to the east and south. Pitched and hipped roofs are typical. Many buildings have front feature gables. Other features of note include:

- Mock Tudor features (e.g. at 587 Bradford Road, 24 and 26 Fixby Road, and at several properties on Dorchester Road).
- Front bay windows and other projections.
- Dormer windows.
- Round porthole windows (e.g. at 583 and 684 to 690 Bradford Road, 333 Bradley Road and 73 Fixby Road).
- Integral garages.
- Detached garages within private curtilages.

10.76 In terms of materials, the following exists locally:

- Natural local stone (e.g. at the older buildings of Bradley Villa Farm, and 684 to 690 Bradford Road).
- Red brick (e.g. at 413 to 417 Bradley Road, and several buildings further to the east along Bradley Road).
- Brown brick (e.g. at 333, 335 and 399 Bradley Road).
- Red and grey roof tiles.
- Render (e.g. at 7 and 9 Fixby Road and 414 to 418 Bradley Road).
- Waney edge timber cladding in parts of gables (e.g. at 2 Cumberland Avenue, and 62 and 64 Lightridge Road).

Bradford Road entrance

10.77 In streetscape terms, the existing dwellings at 684 to 690 Bradford Road provide an appropriate gateway to the Bradley Villa Farm site. These two pairs of similarly-designed dwellings are spaced well apart, possibly suggesting a previous intention to develop land to the east (although the application site was not released from the green belt until the Local Plan was adopted in 2019). This spacing (and the application site's context) has been affected by the recent construction of a detached garage with annexe accommodation above associated with 688 Bradford Road (following approval of application ref: 2017/90749), however providing the application site's main entrance in this location is still considered appropriate in streetscape terms.

10.78 Amendments made during the life of the application have addressed earlier concerns regarding the entrance experience from Bradford Road (and, specifically, people entering the site and being greeted with a large agricultural shed, electricity substation, three detached dwellings and a small open space). The applicant has relocated the proposed electricity substation, and added a shared cycle/footway to the south side of the spine road, as well as additional hedge planting to partly screen the agricultural shed (made possible by the amended application site red line boundary, which made space for planting). Materials proposed in this part of the development have also been revised.

Shepherds Thorn Lane

10.79 The applicant's earlier proposals were considered to be an inadequate response to this important north-south route. Shepherds Thorn Lane would have been lined with side garden fences and cul-de-sacs, and insufficient pedestrian and cyclist connections were proposed. A northwards view into the site from the site's southeast corner (and Bradley Road) would have been blocked by new dwellings. Concerns were also raised regarding the proposed layout's impacts on trees, and the rural edge character of the lane.

10.80 In the current, amended proposals, adequate buffer planting is proposed along much of the site's frontage to Shepherds Thorn Lane. Beyond this planting, several new dwellings would face east, providing a degree of engagement with the lane and natural surveillance where possible. The proposed development's main open space would now have a better, connective relationship with Shepherds Thorn Lane. The retained and additional planting addresses the relevant earlier concerns of KC Trees, and would help maintain the rural edge character of the lane (which, in turn, would help maintain the setting of the Grade II listed building further to the north).

10.81 Four connections are proposed with Shepherds Thorn Lane, as follows (from south to north):

- Southeast corner of the site – Accessible to pedestrians and cyclists. The long view into the site (and its highest part, which may be of archaeological interest and an attractive viewpoint) would be maintained and celebrated.
- Spine road – Accessible to pedestrians and cyclists, and potentially accessible to horseriders. Temporary (collapsible) bollards would enable emergency access. Future continuation of spine road eastwards as and when other parts of HS11 are developed.
- Open space – Accessible to pedestrians and cyclists. Creates potential for a continued, attractive east-west route (in an open space setting) through the HS11 site.
- North corner of the site – Accessible to pedestrians.

10.82 Given the above, the proposed layout and proposals for Shepherds Thorn Lane would ensure a good degree of neighbourhood connectivity is provided, both in the future (as and when other parts of HS11 are developed) and in the interim.

Internal layout

- 10.83 The internal layout of the proposed development has changed significantly during the life of the application. The applicant has responded positively to the comments of Members and officers regarding design, highways and other concerns. The key amendments of note are:
- Revisions associated with increase in number of dwellings from 270 to 277.
 - Revisions to house types and sizes – See commentary later in this report.
 - Two apartment blocks are now proposed at east end of spine road – These 3-storey blocks are appropriately proposed at a key nodal point (the spine road / Shepherds Thorn Lane junction).
 - Fewer cul-de-sacs – Cul-de-sacs are less dementia-friendly, and require refuse collection vehicles to reverse, which raises safety concerns. The applicant has connected some of the previously-proposed cul-de-sacs, creating loops which would reduce the need for reversing, and which would improve neighbourhood permeability.
 - Revised routes through the site for pedestrians and cyclists – These are now more logical, legible, safer and attractive, and would form parts of key east-west routes across the HS11 site.
 - Spine road design – Revised alignment (to ensure its future eastward trajectory would avoid an existing pond), space for street trees added, and 3m wide cycle/footways are now proposed on both sides of the spine road.
 - Car parking – Where possible, car parking has been redesigned, relocated and broken up, to ensure the street scene would not be dominated by hard surfaces and parked vehicles. Continuous rows of six parking spaces are proposed in some locations, however.
 - Refuse storage and collection – Storage flags and collection/presentation points are now proposed in acceptable locations. These should help ensure bins are not left on footways or other inappropriate locations.
- 10.84 The proposed location, size, shape and lining of the development's main open space is now considered acceptable. This space would be well overlooked, would include the site's highest point, and would accommodate a key east-west route accessible to pedestrians and cyclists. As it would meet Shepherds Thorn Lane, there is potential for it to be extended eastwards, creating an attractive, continuous space that would also serve as a valuable wildlife corridor.
- 10.85 With the above amendments (and subject to details submitted pursuant to the recommended conditions), the proposed layout is now considered acceptable.

House types

- 10.86 Concern had been expressed regarding the applicant's proposal to use standard house types at the Bradley Villa Farm site. These concerns are understandable, as there is a risk that standard designs (used by volume housebuilders in very different locations) may result in a development failing to sufficiently reflect its context.

- 10.87 The applicant's Design and Access Statement, however, provides explanation regarding various design matters, including – usefully – a review of the typologies, elevational treatments and materials that surround the application site. This commentary, and officers' observations regarding the site's context, existing typologies, design features and materials (as summarised above) has informed officers' assessment and conclusion that the proposed house types are appropriate for this particular site. The designs proposed by the applicant would reflect the 20th-century suburban character of the site's context, including its heights (mostly two storeys), roof forms (pitched and hipped) and significant proportions of detached and semi-detached dwellings. Design features such as front gables and bay windows would reflect those commonly found around the application site. Certain other design features (such as the waney edge timber cladding proposed to gables of the Warwick house type and detached garages, the timber framing to parts of the Chester house type, and features with Arts and Crafts influence) also exist locally.
- 10.88 Officers also queried the applicant's proposed typology distribution, as it was unclear why larger detached dwellings would have lined the proposed open spaces, while terraced dwellings would have been largely confined to the secondary streets. In response, the applicant introduced more pairs of semi-detached dwellings, and a terrace of four dwellings, to locations surrounding the main open space.
- 10.89 The applicant's proposed distribution of house types was queried, as a less uniform distribution could have helped create distinctiveness and variations of character within the development, as well as assisting wayfinding. This matter hasn't been fully addressed by the applicant (of note, almost every street block would include a Marlow unit and a Cambridge unit, for example), however it is accepted that concentrating a house type in a specific area could result in monotonous street scenes. It is also noted that the applicant proposes to use materials in a way that would help achieve distinctiveness across the site. Regarding wayfinding, it is noted that Shaftesbury units would only occupy corner locations.

Materials

- 10.90 The proposed materials include brown brick, two colours of red brick, "chalk-coloured" render, waney edge timber cladding, and red and grey concrete roof tiles.
- 10.91 Subject to details and samples being submitted pursuant to a recommended condition, this materials palette is considered appropriate for this site and its context. The brown brick added during the life of the application (and proposed only at the west end of the application site) would complement the natural stone of the large dwellings of Bradford Road in the same way brown brick has worked well with other stone buildings in the area. The proposed red bricks and roof tiles would reflect the materials of several existing properties on Bradley Road. Although render is normally considered to be an inferior material, it is recommended that its limited use be accepted, given the site's context.
- 10.92 In response to concerns raised by ward Members, the applicant has confirmed that more extensive use of brown brick could be possible. This would be considered further at conditions stage.

Landscaping

- 10.93 The applicant's latest Landscape Strategy Plan (drawing 865A-02E), which has been updated to show the amended layout described above, is generally considered acceptable. The proposals include a good degree of clarity regarding what spaces would be public and private, and any currently-ambiguous spaces can be appropriately defined with planting implemented in accordance with landscaping details to be submitted pursuant to a recommended condition.
- 10.94 The applicant's Landscape Strategy Plan and Design and Access Statement define landscape areas across the site – these are named “Inner Streets”, “Village Green” and “Rural Edge”. The definition of areas of different character within the development is welcomed in principle, although it is noted that these definitions largely relate to landscaping, and not to other matters (of note, the same house types are proposed in each of the three areas).
- 10.95 In amendments made during the life of the application, space was added to accommodate additional street trees (in accordance with Green Streets principles and paragraph 131 of the NPPF), and buffer planting was added along Shepherds Thorn Lane and the northern edge of the application site. Planting along Shepherds Thorn Lane is proposed to include heavy standard trees and native evergreens such as holly, to assist with screening and maintaining the rural character of the lane.
- 10.96 Species listed on the applicant's Landscape Strategy Plan are considered appropriate. Native species are mostly proposed, as are species known to be attractive to pollinators. Some of the listed species, however, would need to be deleted from the proposed planting schedule, due to concerns regarding them becoming potentially invasive (this includes *Alchemilla mollis* and *Hedera colchica*). It is recommended that this deletion, and the submission of full details of hard and soft landscaping, be secured by condition.

Other design matters

- 10.97 At pre-application stage positives were identified by officers in relation to the largely acceptable east-west spine road alignment (subject to detail), the proposed areas with perimeter block layouts, and the appropriate building heights (although some bungalows could have been proposed and accepted).
- 10.98 Regarding crime prevention, the perimeter block approach proposed across most of the development would generally provide good levels of natural surveillance of the public realm, and clear distinctions between spaces that are public and private. Parking spaces would be overlooked by their users from their homes. Pedestrian access through the proposed 4-dwelling terraces can be secured with gates. Subject to landscaping and boundary treatment details (to be secured via a recommended condition), no parts of the proposed development would be particularly vulnerable to flytipping and other anti-social behaviour. Conditions regarding security measures (including measures relating to the perimeters of the apartment blocks and their parking areas) and lighting are recommended.

- 10.99 Details of boundary treatments have been submitted by the applicant (on drawing BVF-16-02-05 rev D, and other drawings). 1.8m high treatments with brick piers and timber panels are proposed in locations adjacent to the public realm. 1.8m high timber fences and 0.75m high post and rail fences are proposed between plots. 0.9m high railings are proposed around the development's open spaces. The design and locations of boundary treatments and landscaping would need careful consideration at conditions stage (should planning permission be granted), to ensure no significant loss of amenity occurs to neighbouring residents. Appropriate security and natural surveillance should also be facilitated by the design of any boundary treatment, as should the movement of hedgehogs. Tall boundary treatments (such as 1.8m or higher timber fencing) should not be proposed adjacent to areas of public realm. For landscape and visual impact reasons, tall acoustic fencing would not be considered acceptable along the site's north (green belt) boundary.
- 10.100 The applicant's proposal to provide the majority of dwellings with air source heat pumps has design implications. The external components of air source heat pumps can vary in size, however a unit of 1.5m x 1.2m x 0.8m (resembling an external air conditioning unit) is fairly typical. These can usually be installed on rear elevations (below windowsill level), with enough space maintained around them to ensure they function well. To ensure such units are indeed located discretely to avoid visual harm, a condition is recommended requiring the submission of relevant details.

Urban design – summary

- 10.101 In summary regarding urban design matters, the proposals would result in a sufficiently connected, convivial, inclusive and attractive environment offering opportunities for active lifestyles, movement using sustainable modes of transport, social interaction and integration. Earlier concerns regarding the creation of anonymous, monotonous, insular, isolated suburban development have been sufficiently addressed. Subject to consideration of details at conditions stage, appropriate building designs, materials, landscaping and boundary treatments have been proposed.

Heritage assets

- 10.102 There are few designated heritage assets close to the Bradley Villa Farm site, however impacts must be assessed nonetheless. The applicant team provided an initial Heritage Impact Assessment (HIA) at pre-application stage, and at application stage ES chapter 11 additionally addresses heritage impacts. With regard to the Grade II listed barn at Shepherds Thorn Farm, officers agreed (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 agreed 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.
- 10.103 Given the requirements of paragraph 199 of the NPPF, Local Plan policy LP35 and site allocation HS11 (which requires the rural approach to this designated heritage asset to be maintained), officers requested amendments to ensure impacts upon the setting of the listed building are minimised. Of note, this rural approach is more noticeable along the northern stretch of the application site's frontage to Shepherds Thorn Lane (beyond a kink in the lane, and where

dwellings of Bradley Road are not readily visible). In response, the applicant pulled the developable area back from the northernmost corner of the Bradley Villa Farm site, and proposed buffer planting long the lane. This planted strip would be approximately 10m wide, and behind it the east-facing elevations of units 75 to 80 would be spaced a further 12m away. With heavy standard trees included in this planting (to be secured by a recommended condition), these measures are considered to be adequate to ensure the character and appearance of the rural approach to the designated heritage asset is not significantly harmed or eroded.

- 10.104 As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site. A further comment was sought from Historic England, as it was not clear whether their initial advice took into account the relationship between the application site and Castle Hill. Historic England subsequently considered this relationship, and (in further comments dated 09/08/2021) confirmed that they had no comment to make on the application. KC Conservation and Design similarly raised no concerns regarding the proposed development's relationship with Castle Hill.
- 10.105 At pre-application stage, in light of the site's potential archaeological interest, on 16/12/2020 the West Yorkshire Archaeological Advisory Service (WYAAS) provided the applicant team with a specification for a pre-determination archaeological evaluation (by trial trenching). Site investigation was subsequently carried out, and bronze age material was found at the highest part of the site. In light of this, at application stage WYAAS have advised that further intrusive site investigation is needed. It is recommended that this be conditioned. During the life of the application, the applicant agreed that an Archaeological Evaluation (provided by the West Yorkshire Archaeological Advisory Service) is to be included in the application submission.

Landscape impacts

- 10.106 Regarding the wider impacts of the proposed development (and of an HS11-wide development), at pre-application stage, officers provided advice regarding the viewpoints that needed to be assessed.
- 10.107 A Landscape and Visual Impact Assessment (LVIA) has been submitted as chapter 7 of the applicant's ES. A detailed response to this (and its appendices) was provided by officers on 25/08/2021. This noted that the correct viewpoints had been illustrated and assessed by the applicant. It was accepted that development of the Bradley Villa Farm site would inevitably be transformative, and that the development could not be hidden in all views, nor could all of its landscape and visual impacts be mitigated. Officers disagreed, however, with the level of sensitivity assigned by the applicant team to certain viewpoints, and disagreed with the applicant team's description of impacts upon certain viewpoints. It was also noted that the LVIA did not include an assessment of the (potentially visually significant, although details were lacking at the time) drainage infrastructure works proposed adjacent to the M62. Officers advised the applicant that screening and mitigative planting (intended to soften landscape and visual impacts) would need to be provided outside private garden curtilages, and should be the responsibility of a residents' management company – reliance on planting within garden curtilages to achieve mitigation at the edge of the developable area could not be accepted.

- 10.108 On 08/10/2021 the applicant team provided a response to the above concerns. This response confirmed that further assessments of views would be carried out once drawings of the amended proposals and of the drainage infrastructure works had been made available to the relevant consultant. However, no further assessment of views has been submitted.
- 10.109 Notwithstanding the above, it is considered that the amendments made during the life of the application have sufficiently addressed the earlier concerns. Drawings (including sections) of the proposed drainage infrastructure works have been submitted, screening greenery (outside private garden curtilages) has been added along the north edge of the application site, as have heavy standard trees and other planting along Shepherds Thorn Lane. No objection on landscape and visual impact grounds was submitted by Calderdale Council, and it is again noted that the proposed development's relationship with Castle Hill is considered acceptable. No obtrusive acoustic screening is shown in the applicant's drawings along the north edge of the application site.

Infrastructure requirements and delivery

- 10.110 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.
- 10.111 Officers have emphasised how crucial it is that these infrastructure requirements are identified at an early stage. When considering the current application, it must be ascertained 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. As part of an appropriate masterplanned approach to the wider HS11 site, it is necessary to ensure the costs of infrastructure delivery are fairly shared among the site's owners or developers.
- 10.112 The council (as landowner) commissioned WSP to assess the infrastructure needs of the HS11 site, and a list of infrastructure topics (that WSP had been commissioned to cover) was shared with the Bradley Villa Farm applicant team. Further work has subsequently been carried out for the council (as landowner) by the consultants Cushman and Wakefield. Although much of this work is still in progress, some of its initial headline findings have been shared with the applicant, to inform discussions regarding the infrastructure needs of the site.

- 10.113 Where relevant, it is recommended that the Bradley Villa Farm development should contribute a proportion of the cost of infrastructure works based on the 277 units proposed and the 1,958-unit indicative capacity of the HS11 allocated site. This is a proportion of approximately 14%.
- 10.114 Off-site highway mitigation is among the most significant infrastructure requirements relevant to the HS11 site. This matter is considered in detail later in this report, however it is noted here that the Bradley Villa Farm development would be required to contribute £820,474 towards the Cooper Bridge highway improvement scheme (representing approximately 14% of the £5.8m funding shortfall of that scheme, which works out at £2,962 per dwelling for HS11's site capacity of 1,958 homes), and a £287,950 contribution towards future capacity improvements at the Bradley Bar roundabout. Also of note, although the new junction proposed at Bradford Road has not been over-specified or designed to accommodate the traffic of 1,958 homes, the applicant has agreed to seek adoption of land adjacent to the new junction (and within the application site), which would simplify processes if further junction works are required as and when the larger part of the HS11 site is developed.
- 10.115 Regarding electricity, connection of the HS11 site to the national grid is likely to be costly. The applicant was asked to clarify what provisions have been made for the proposed 277 units, and whether additional capacity may be available within that new connection for the large part of the HS11 site. On 05/07/2022 the applicant provided details of the proposed development's electricity connection and related matters. The main points of relevance to the current application are:
- A high-voltage connection is proposed from existing infrastructure beneath Bradford Road and via the substation proposed at the west end of the site.
 - The first 29 plots (where foundations would be excavated by July 2023) would be provided with gas boilers, although gas main connections would be laid to 41 plots as a contingency.
 - The remainder (majority) of the site would have no gas connection, and dwellings would be provided with air source heat pumps.
 - The above approach would necessitate greater electric loading (i.e., a greater demand from the national grid), which may necessitate a larger substation (either physically or in terms of capacity).
 - A second substation is not currently proposed.
 - The applicant's proposals would have capacity to serve the 277 dwellings of the Bradley Villa Farm site, but not the wider HS11 site.
- 10.116 Given the applicant's confirmation that the proposed electricity connection has not been designed with additional capacity to also serve the wider HS11 site, for masterplanning reasons a condition is recommended regarding electricity connection.
- 10.117 Significant social infrastructure would be needed to support residential development at the HS11 site. This matter is of relevance to the social sustainability of the proposed development. Of note, the text of site allocation HS11 refers to early years and childcare provision, the provision of a new two form entry school on the site, and secondary school provision.

- 10.118 Regarding early years and childcare provision, KC Education have advised that a £650,000 cost should be applied (HS11-wide), based on the cost of adding a nursery building to a school. The applicant's share of this cost would be £91,956.
- 10.119 Regarding the provision of a new two form entry primary school, as noted earlier in this report it is considered appropriate for this to be located on the council-owned part of the HS11, and not on the Bradley Villa Farm site. The applicant would therefore not be required to reserve or provide land for the future construction of this school. With reference to recent experience of newbuild primary school provision in the borough, KC Education have advised that a cost of £10m is appropriate, of which the applicant's share would be £1,414,708.
- 10.120 The applicant was previously advised that a contribution of £35,460 towards secondary provision would be required. This was then recalculated to be £5,319 following the inclusion of 1-bedroom units in the proposed development. Most recently, however, a revised figure of £473,391 was calculated. This has increased as the relevant number on roll (NOR) figures for the 2023/24 academic year have been updated in light of the new census data that is now available (this was not available when the previous calculations were made). The council must always refer to the latest NOR data available.
- 10.121 Given that many of the required contributions would be put towards schemes that may only become necessary when development of the rest of HS11 is brought forward, it is recommended that the required Section 106 agreement should allow the council to retain moneys for longer periods than is normally secured. Of note, the Department for Education's "Securing developer contributions for education" guidance recommends (at paragraph 6) that planning obligations should allow enough time (often 10 years, or no time limit) for developer contributions to be spent. Some of the highways-related contributions sought from the current applicant would be put towards schemes that may be implemented beyond the Local Plan period, and should therefore be secured for an appropriate length of time.
- 10.122 It is noted that local medical provision has been raised as a concern in representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

Residential quality and amenity

- 10.123 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

- 10.124 Separation distances between the proposed dwellings and existing adjacent properties would generally be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. The applicant's proposed levels strategy (drawing 4607-16-06-903 rev C, received 11/08/2022) does not suggest significant differences in levels between units 143 to 180 and existing dwellings to the south at Torcote Crescent and Bradley Road, and impacts on the privacy of these existing dwellings (which had been raised as a concern by some residents) is therefore not considered to be significant. Although some mutual overlooking would be introduced by the proposed development (whereas existing residents currently look out onto agricultural fields), the proposed relationship is not considered to be unusual or problematic.
- 10.125 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular, cycle and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses in relation to noise.
- 10.126 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites (including sites in Calderdale) be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP.
- 10.127 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.128 All units (including the proposed apartments and maisonettes) would be dual aspect. This is welcomed, as dual aspect enables natural ventilation, and has amenity and outlook benefits.
- 10.129 All units would have adequate privacy, outlook and access to natural light.
- 10.130 Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. The applicant's drawings show a single shared outdoor garden space for each pair of the four proposed maisonettes, which is considered acceptable given the small numbers of this typology.
- 10.131 Adequate distances would be provided within the proposed development between new dwellings.

- 10.132 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 living space.
- 10.133 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.
- 10.134 Further to the previous committee report, the applicant submitted amended drawings of the Bakewell and Tweed house types, and an updated schedule of accommodation (rev P). These documents confirmed that space had been added to these house types to render them NDSS-compliant. The Bakewell units were confirmed to be 84sqm in size, and the Tweed units were confirmed to be 97sqm in size. A further schedule of accommodation (rev Q) omitted these floorspace figures, and officers have asked for these to be reinstated, for the avoidance of doubt.
- 10.135 With the above amendments, all of the units would now be NDSS-compliant.
- 10.136 As noted earlier in this report, during the life of the application the applicant made amendments to the proposed unit size mix which have reduced the earlier preponderance of larger and detached dwellings. In the current proposals, 133 (48%) dwellings would be detached. 112 (40%) would have four bedrooms, 77 (28%) would have three bedrooms, 78 (28%) would have two bedrooms and 10 (4%) would have one bedroom. It is considered that these amendments are acceptable, and that enough has been done to ensure the proposed development would meet a range of housing needs.
- 10.137 Other than in the case of the proposed upper-floor apartments and maisonettes, all new units would have ground floor WCs, making those units at least visitable by people with certain disabilities. The inclusion of ground floor apartments in the scheme creates at least some opportunities for people with certain disabilities and older family members to move into the development, as does the inclusion of studies/bedrooms and convertible habitable rooms at ground floor level in some of the larger units.
- 10.138 Regarding the wider site allocation, at pre-application stage officers advised the applicant 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 applicant team's masterplanning work. Having considered that matter further, officers now

recommend that any specialist residential accommodation would be better located close to the facilities of the local centre that may be brought forward on the council-owned part of HS11. Such a location would enable easier access to those facilities, as well as opportunities for inter-generational interaction which is known to be of benefit to health and wellbeing.

Affordable housing

- 10.139 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. At pre-application stage the applicant team were advised that a policy-compliant 20% affordable housing provision would be required, as would a 55% social or affordable rent / 45% intermediate tenure split.
- 10.140 First Homes, launched by the Government in 2021, are a specific kind of discounted market sale housing (and a form of affordable housing) which:
- must be discounted by a minimum of 30% against the market value;
 - are sold to a person or persons meeting the First Homes eligibility criteria;
 - on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
 - after the discount has been applied, the first sale must be at a price no higher than £250,000.
- 10.141 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. In response to this Government initiative, in December 2021 the council published a First Homes Position Statement, explaining how this tenure will be secured in Kirklees. Of particular note, the 25% requirement for First Homes will be expected to form part of the normally-required 45% intermediate element of a development's affordable housing provision.
- 10.142 Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.143 20% of 277 dwellings is 55.4, therefore the 55 affordable units proposed by the applicant meets the headline requirement of Local Plan policy LP11. The applicant also proposes an acceptable tenure split that complies with the council's Interim Affordable Housing Policy (2020) and First Homes Position Statement (2021): 30 affordable/social rent, 14 First Homes and 11 other intermediate units are proposed. These would be provided as 7x 1-bedroom apartments and maisonettes, 24x 2-bedroom apartments and houses, 22x 3-bedroom houses and 2x 4-bedroom houses. The proposed tenure / unit size mix is as follows:
- affordable/social rent
 - 3x 1-bedroom Charterhouse apartments
 - 4x 1-bedroom maisonettes
 - 6x 2-bedroom Charterhouse apartments
 - 6x 2-bedroom Tavy houses
 - 2x 3-bedroom Tavy 3 houses

- 7x 3-bedroom Dart houses
- 2x 4-bedroom Tweed houses
- First Homes
 - 2x 2-bedroom Tavy houses
 - 4x 2-bedroom Ledbury houses
 - 8x 3-bedroom Dart houses
- other intermediate
 - 2x 2-bedroom Tavy houses
 - 4x 2-bedroom Ledbury houses
 - 5x 3-bedroom Dart houses

10.144 Of note, the proposed development includes 4-bedroom affordable units, which are required to address a known need in the Huddersfield North area. This provision is welcomed.

10.145 The applicant has addressed previous concerns that the development's affordable units may have been visually distinguishable from the private units, and arguably would have had inferior amenity. In the current proposals, two apartment blocks are proposed (one private, one affordable), four affordable dwellings would face the proposed open space, and nine affordable dwellings would line the northern edge of the site, overlooking the green belt. Both the affordable and private elements would include Ledbury units. The same materials palette would be used across all tenures. The locations and distribution of the affordable dwellings (as detailed on drawing BVF-16-02-08 rev D received on 11/08/2022) are now considered acceptable.

Highway and transportation issues

10.146 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.

10.147 Paragraph 110 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 111 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.

10.148 Existing highway conditions must be noted. A site entrance already exists at Bradford Road, where the development's main vehicular access is proposed. A gated access (for agricultural use) to the Bradley Villa Farm site exists on Shepherds Thorn Lane. 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. The main roads nearest to the allocated site are served by the X63 (frequent), 349, 363 and X49 (less frequent) bus services along Bradford Road and the 328 bus service that terminates at Alandale Road.

- 10.149 The council's proposals for local highway improvements should also be noted. The council's preferred option for the Cooper Bridge improvement scheme went to public consultation between 07/06/2021 and 18/07/2021. This preferred option now involves no link road from the A644, and improvements are instead proposed to the Cooper Bridge and Bradley junctions. The Outline Business Case (OBC) for the scheme was submitted to the West Yorkshire Combined Authority at the end of 2021 and has now been approved. The scheme's Full Business Case and further design development is now being progressed.
- 10.150 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.

Bradford Road access

- 10.151 The proposals for the Bradley Villa Farm site include 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. The proposed site access priority junction arrangements include a right-turn lane for inbound traffic, and a left-only exit on to Bradford Road, with no right-turns possible out of the application site (residents would have to turn left and go around the roundabout to head north on Bradford Road). A Toucan crossing (for pedestrians and cyclists) is proposed within the vicinity of the access.
- 10.152 A road safety audit and designer's response regarding this junction have been submitted by the applicant and have been assessed by officers. Various actions have been agreed between the applicant and KC Highways Development Management, including the relocation of the proposed Toucan crossing, to ensure adequate visibility is provided. An amended drawing showing an acceptable location for the crossing (further to the south of the new junction, along Bradford Road) has now been submitted.
- 10.153 As noted above, although the new junction proposed at Bradford Rd has not been over-specified or designed to accommodate the traffic of 1,958 homes, the applicant has agreed to seek adoption of land adjacent to the new junction (and within the application site), which would simplify processes if further junction works are required as and when the larger part of the HS11 site is developed.
- 10.154 Submission of details and provision of a new junction at Bradford Road would be secured via a recommended condition (and related Section 278 process), rather than via a Section 106 agreement.
- 10.155 The applicant has submitted a drawing indicatively showing the route of a shared cycle/footway on the east side of Bradford Road between the site entrance and the Bradley Bar roundabout. These works could be implemented as part of future improvement works to the roundabout. While full details of these works have not been submitted (and, as noted above, residents of 11 affected properties have been consulted specifically on these proposals), it is noted that they would have benefits and drawbacks: one the one hand roadside greenery would be lost (the shared cycle/footway would reduce or replace the existing grass verges, although no street trees would need to be felled), while on the other hand the greenery along this 140m stretch

(approximately) is already narrow and is broken up by private drives, and the shared cycle/footway would improve access to and through the application site (via sustainable modes of transport) and to/from the existing cycle lanes on Bradley Road and Fixby Road.

Bradley Road / Shepherds Thorn Lane access

- 10.156 At the eastern edge of the application site, Shepherds Thorn Lane is already of some importance as a north-south route for pedestrians and cyclists (and provides opportunities for enhancement and integration with a development at the Bradley Villa Farm site, for aesthetic and sustainable/active travel reasons), however it is not a suitable location for a key vehicular access point to the HS11 site.
- 10.157 At the southeast corner of the application site, close to Bradley Road, a new 3m wide entrance for pedestrians and cyclists is proposed. This would be adjacent to 398 Bradley Road and the vehicular entrance to that property. This proposed site entrance has been redesigned to ensure adequate manoeuvring space would be maintained for adjacent residents. Concern has been expressed by existing residents regarding the possibility of this new site entrance being opened up in the future for use by vehicular traffic, however a two-way carriageway usable by vehicles would need to be at least 5.5m wide with 2m wide footways on each side, and the applicant is proposing a private drive (serving units 178 to 182) in this corner of the site, meaning adoptable highway (wide enough for vehicular traffic) would not extend to Shepherds Thorn Lane here.
- 10.158 Residents have also expressed concern regarding the potential misuse of this site entrance by motorbike riders. Measures such as physical barriers and/or signage may be required to discourage and prevent such misuse, and the need for these would be considered at detailed design stage.
- 10.159 A road safety audit and designer's response regarding this proposed site entrance have been submitted by the applicant, and have been assessed by officers. The road safety audit did not raise any significant issues (only a minor action was required, and it is recommended that this be addressed at the detailed design stage). These findings and action have been agreed between the applicant and KC Highways Development Management.

Other connections

- 10.160 Of note regarding the other three proposed connections to Shepherds Thorn Lane:
- Spine road – Accessible to pedestrians and cyclists, and potentially accessible to horseriders. Temporary (collapsible) bollards would enable emergency access, and a temporary turning head is proposed within the application site. The future continuation of the spine road eastwards would be possible, as and when other parts of HS11 are developed. A condition is recommended, requiring details of how the spine road's carriageway, verges and shared cycle/footways (and their materials and levels) would relate to the carriageway of Shepherds Thorn Lane, along with details of any necessary feathering in, any signage, and the collapsible bollards. Concerns have been expressed by residents and Cllr Homewood regarding the possibility of future misuse of Shepherds Thorn Lane as a short-cut, however this junction (when opened up,

should development be brought forward on the council-owned part of the HS11 site) would be less attractive to drivers than the Bradford Road and Tithe House Way site entrances. Closure of part of the lane, a Traffic Regulation Order, signage and/or monitoring could be implemented in the future to address any such risk, if necessary.

- Open space – Accessible to pedestrians and cyclists. The proposed alignment creates potential for a continued, attractive east-west route (in an open space setting) through the HS11 site. Details of this connection would be provided pursuant to the recommended condition regarding landscaping.
- North corner of the site – Accessible to pedestrians. KC Highways Development Management and KC Public Rights of Way asked for this connection to be widened to provide access for cyclists as well as pedestrians, however the applicant argued that this would reduce space for screening greenery along the north edge of the application site. This is accepted, given the importance of this screening, and given the other connections proposed to Shepherds Thorn Lane are considered adequate.

10.161 Given the above, the proposed layout and proposals for Shepherds Thorn Lane would ensure a good degree of neighbourhood connectivity is provided, both in the future (as and when other parts of HS11 are developed) and in the interim.

Trip generation

10.162 Trip rates were agreed between officers and the applicant at pre-application stage. Applying those rates to a development of 280 dwellings, the applicant has predicated trip generation of 162 vehicle movements in the morning peak (08:00 to 09:00, split as 42 arrivals and 120 departures) and 153 vehicle movements in the evening peak (17:00 to 18:00, split as 112 arrivals and 41 departures).

Junction impacts

10.163 At pre-application stage the applicant team was advised which junctions to assess in the TA, as follows:

- Bradley Bar Roundabout
- Bradley Road/Leeds Road/Colne Bridge Road
- Cooper Bridge Road/Wakefield Road/Leeds Road

10.164 Having regard to the applicant's trip generation information, it has been determined that the Bradley Bar roundabout suffers from capacity issues at peak times, which would be exacerbated by additional development traffic from the Bradley Villa Farm site. Given this impact, it is considered necessary to secure a contribution towards capacity improvements at that junction. In consultation with KC Highways Development Management, the applicant team has designed a signalisation scheme, which includes improved pedestrian and cycle facilities and which would help to regulate the flow of traffic at the junction.

10.165 Extensive discussions have taken place regarding the details and likely cost of this capacity improvement scheme. The most recent figure provided by the applicant (on 12/07/2022) was £1,795,160, towards which the applicant suggested a contribution of £251,322 would be payable. This was not accepted. Officer calculations arrived at a cost figure of £2,056,784, of which the applicant's contribution would be £287,950. It is recommended that this contribution be secured via the required Section 106 agreement.

10.166 As regards the adequacy of the Bradley Bar roundabout proposals, on 11/07/2022 KC Highways Development Management advised that the indicative improvement scheme is of the scale and kind that is required to accommodate the HS11 site (and its potential 1,958 homes), and that no interim capacity improvement at the junction is considered necessary for the 277-unit development currently proposed. Although this indicative improvement scheme is unlikely to provide an overall capacity benefit at the junction, other significant benefits would be provided, as follows:

- Controlled crossing facilities for pedestrian and cycles would be incorporated on all arms. This is the key benefit of the scheme, as pedestrian crossing provision is currently poor, and it is currently difficult to cross all arms of the junction at peak times due to the high volume of traffic. Therefore, the improvements would provide a significant benefit to pedestrian safety and amenity, and should help facilitate modal shift from car use to active travel modes, both for the proposed development and wider highway users.
- Off-carriageway cycle facilities (combined cycle/footways) would be provided, which would enable cyclists travelling through the junction in all directions to bypass the circulatory carriageway. Again, this would provide a significant benefit to cycle safety and amenity, and should help facilitate modal shift from car use to active travel modes. This is particularly beneficial at this junction, where there have been a number of cycling collisions on the circularly carriageway, which would be addressed by this improvement.
- The provision of traffic signals would also provide greater control of the junction operation. Whilst the junction modelling has demonstrated that the improvement would not increase traffic capacity, it would allow variations in traffic flow and associated queues/delay to be managed better. It is also likely to have traffic safety benefits, as conflict between vehicles entering the roundabout and circulating vehicles would be removed on the Bradford Road approaches. On the Bradley Road and Fixby Road approaches that would remain unsignalised, it should also be easier to find gaps to enter the junction during the upstream intergreen periods, with the speed of circulating traffic being reduced (traffic approaching from a stop position on the circulatory carriageway would be moving slower than the current free-flow situation).

10.167 It is noted that later phases of development at the HS11 site would need to develop this scheme (or another appropriate scheme) further, to ensure the optimum junction improvement is developed (in pedestrian/cycle safety and amenity terms, as well as in terms of traffic capacity) and based on the circumstances that exist at that time. These later phases would also need to establish the timescale for delivery of the scheme. As confirmed in the evidence provided in support of the Local Plan and as confirmed in the site allocation text, strategic highway interventions such as this were anticipated to be required once the development quantum exceeded 750 dwellings at the HS11 site.

10.168 As per the applicant's email of 03/07/2022, it has been determined that the Bradley Villa Farm phase of development would increase traffic at the junction by circa 3.6% to 3.9% during weekday network peak hour periods, when compared to the 2029 baseline (without development trips) scenario. Whilst this would have an impact of the operation of the Bradley Bar roundabout in the short term, with the roundabout already operating at (or close to) capacity at peak times, these increases are within expected daily variations (typically thought to be +/- 10%) and the applicant's consultant has concluded that this would not represent a severe impact when considered in isolation. Officers broadly agree with this conclusion. To further demonstrate this, the table below (extracted from the applicant's emailed information of 03/07/2022) confirms the anticipated traffic increases on each lane of the roundabout during the 2029 assessment period. This shows that the maximum increase in traffic on any one lane during either the AM or PM peak period would be 88 vehicles, or 1.5 vehicles per minute, which is again not considered to be of a scale that would represent a severe impact.

Proposed Initial BVF Phase 2029 Development Flows

Arm	Lane	Lane Description	AM Peak Hour Development Flows (Vehicles)		PM Peak Hour Development Flows (Vehicles)	
			Dev Trips Per Hour	Dev Trips Per Minute	Dev Trips Per Hour	Dev Trips Per Minute
Bradford Road N	1	Ahead and Left	88	1.5	30	0.5
	2	Ahead and Right	33	0.6	11	0.2
Bradley Road	1	Ahead and Left	0	0.0	0	0.0
	2	Right Turn	18	0.3	48	0.8
Bradford Road S	1	Ahead and Left	13	0.2	34	0.6
	2	Ahead and Right	0	0.0	0	0.0
Fixby Road	1	Ahead and Left	8	0.1	21	0.4
	2	Right Turn	0	0.0	0	0.0

10.169 Of note, funding is already in place for safety improvements at the Bradley Bar roundabout. These are due to be implemented by the council in 2023.

- 10.170 Regarding the Bradley Road/Leeds Road/Colne Bridge Road and Cooper Bridge Road/Wakefield Road/Leeds Road junctions, and the Cooper Bridge highway improvement scheme, at pre-application stage the applicant team were advised to test “with” and “without” scenarios, to provide a robust assessment that accounted for the possibility of delivery of that scheme being delayed or amended. The applicant duly provided these assessments, albeit with reference to earlier iterations of the schemes that included a link road connecting the allocated site to the A644. The applicant’s Transport Assessment included a materiality assessment that identified that the proposed 277-unit development would only increase traffic by up to 1.7% at the junction during either peak period, which in isolation would not necessitate junction improvements.
- 10.171 Having regard to the requirements of site allocation HS11, to ensure later developments (elsewhere within HS11, and at other sites) are not unfairly 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 (including the Cooper Bridge improvement scheme), regardless of whether the 277 proposed dwellings would – when considered in isolation – trigger a need for improvements. The Bradley Villa Farm development would be required to contribute £820,474 towards the Cooper Bridge highway improvement scheme (representing approximately 14% of the £5.8m funding shortfall of that scheme, which works out at £2,962 per dwelling for HS11’s site capacity of 1,958 homes).
- 10.172 Regarding other junctions, the applicant’s Transport Assessment states that there would be modest increases in congestion and delay at several junctions within the study area as a result of the completed development. At junctions located further away from the site the proposed development’s traffic impact would be reduced and diluted as the traffic disperses through the network. As such it is considered that the magnitude of the effect of development traffic overall across the highway network would be minor adverse.
- 10.173 Given the proposed development’s potential impacts upon the Strategic Road Network, the pre-applicant team were advised to engage in early dialogue with Highways England (now National Highways). At application stage, National Highways issued a recommendation that planning permission should not be granted, however this was subsequently withdrawn in light of the applicant’s further submissions regarding junctions 24 and 25 of the M62 which found that the traffic of the proposed 277-unit development can be satisfactorily accommodated.

Spine road

- 10.174 Officers advised the applicant to design the development’s spine road as a residential connector street (Type A) as per the Kirklees Highway Design Guide SPD, with a cross section of a 3m shared cycle/footway; a 2m verge; a 6.75m carriageway; a 2m verge; and a 3m shared cycle/footway. This would reflect the design of the section of spine road already approved under application ref: 2018/93965, with a 6.75m wide carriageway. A 30mph speed limit would apply to the spine road.

- 10.175 The applicant initially proposed a spine road with no shared cycle/footway on the south side of the carriageway, and no cycle or footway whatsoever was shown along part of the south side of the spine road close to Bradford Road. This was considered unacceptable, given the importance of this thoroughfare to the wider HS11 site, and given the need to encourage and enable the use of sustainable modes of transport. The proposals also lacked street trees in places, contrary to paragraph 131 of the NPPF.
- 10.176 The applicant amended the spine road proposals (including by adding land to the application site red line boundary), and the details of the spine road are now considered acceptable. The spine road has been designed to be capable of accommodating new or diverted bus services. Details of crossing points have also been provided. Access points onto/from the spine road for farm traffic along the retained access directly behind 686 and 688 Bradford Road have been shown.
- 10.177 To help enable future connection to, and development of, the larger part of allocated site HS11, the spine road must be provided as adoptable highway up to the eastern edge of the application site boundary, where it meets Shepherds Thorn Lane, so that it may be continued eastwards as and when the council-owned land is developed. This has duly been illustrated in the applicant's proposed highway adoption layout. In addition, it is recommended that the necessary Section 106 agreement includes a provision preventing a ransom scenario from being exploited, so that extension of the spine road into the council-owned part of HS11 is not obstructed.

Internal layout

- 10.178 Beyond the proposed spine road, an appropriate road hierarchy for the proposed development has been clearly described and illustrated in the submitted Design and Access Statement. Amendments have also been made to improve the development's internal layout. During the life of the application, the number of cul-de-sacs has been reduced, refuse vehicle tracking plans have been submitted, and amendments relating to forward visibility have been made.
- 10.179 The most recent proposed internal layout (submitted on 11/08/2022) requires further amendment to address outstanding points of detail, however it is recommended that these matters be addressed at conditions stage. It is also recommended that a road safety audit relating to the development's internal layout be secured by condition.
- 10.180 Regarding refuse storage and collection, storage flags and collection/presentation points are now proposed in acceptable locations. These should ensure bins are not left on footways or other inappropriate locations. For plots where collection/presentation space has not been illustrated, further details would need to be submitted pursuant to a recommended condition.
- 10.181 Detailed advice regarding Section 38 (highway design/adoption) matters has been forwarded to the applicant team.

Sustainable travel

- 10.182 Comprehensive and effective travel planning is required in connection with the proposed development, in compliance with Local Plan policies LP20 and LP51. A Travel Plan has been submitted with the application. This includes measures to encourage and enable the use of sustainable modes of transport by residents of the proposed development, and is welcomed. The Travel Plan includes details of monitoring and an action plan, and helps to meet the requirement (set out in pre-application advice) for a HS11-wide strategy for pedestrian and cyclist movement, 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.
- 10.183 Travel Plan implementation and monitoring fees would need to be secured via the necessary Section 106 agreement.
- 10.184 It is recommended that a Sustainable Travel Fund contribution of £141,685.50 be secured via the necessary Section 106 agreement. Although the calculation of this sum is based on 277 units multiplied by the £511.50 cost of a bus-only MCard, the contribution would be secured flexibly, so that it could be put towards a range of measures intended to encourage the used of sustainable modes of transport.
- 10.185 Officers are in contact with their equivalents at Calderdale Council, and are discussing potential projects that look beyond the boundaries of individual allocated sites, and that 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. A public consultation took place between July and August 2021 regarding a joint scheme between Calderdale Council and Kirklees Council to improve the pedestrian and cycle links along the A641 corridor and to help provide better connections for the communities along and between Bradford, Brighouse and Huddersfield. The proposals are now being progressed. These include improved connections to Huddersfield Town Centre, which are proposed to link to the Bradley Villa Farm site at Shepherds Thorn Lane.
- 10.186 The council's Core Walking and Cycling 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 Local Plan identifies an intention to extend this network along Shepherds Thorn Lane. Although no relevant proposals for physical works have been drawn up by the council and no contribution to such a scheme is recommended, new soft landscaping (improving the setting of this key north-south route) and new connections for pedestrians and cyclists (improving the route's attraction and utility) are proposed as part of the Bradley Villa Farm development. These connections would link to the improvement scheme mentioned above.
- 10.187 Regarding public transport, the locations of future bus stops have been designed into the proposed spine road layout, and it is recommended that a contribution of £46,000 be secured for new bus shelters / real-time displays, to enable these to be installed at a later date. Improvements to the existing bus stops on Bradford Road would also be necessitated by the proposed

development, and it is recommended that a further £46,000 be secured towards new bus shelters and real-time displays for the northbound and southbound stops.

Parking

- 10.188 Parking provision across the site must 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.
- 10.189 The parking provision proposed across the site is considered acceptable. Sufficient spaces are proposed to reduce the risk of new residents parking on Shepherds Thorn Lane or in other inappropriate locations. During the life of the application, the applicant has added visitor parking spaces, and where possible unbroken rows of parking spaces have been amended for visual amenity reasons.

Construction-phase impacts

- 10.190 The submitted ES considers the environmental effects of the proposed development during both its construction and operational phases. KC Environmental Health have advised that a Construction (Environmental) Management Plan (C(E)MP) would be required. This would need to include provisions related to construction traffic. A relevant drawing (BVF-16-02-11) was submitted on 15/08/2022, however the necessary C(E)MP would need to include more information than has been provided. A relevant condition is recommended.

Flood risk and drainage issues

- 10.191 In relation to flood risk and drainage, the requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, must 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.
- 10.192 The allocated site is located within Flood Zone 1 and is therefore generally 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, 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.
- 10.193 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 is required. These have been submitted, as has chapter 15 of the ES. The applicant has confirmed which versions of the Flood Risk Assessment are to be considered (three versions were submitted), and has submitted an updated ES chapter 15 during the life of the application.

- 10.194 At pre-application stage the applicant team were 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 (now National Highways) regarding impacts on the M62's drainage. In their comments of 23/06/2021, National Highways did not raise objection on drainage or flood risk grounds.
- 10.195 The applicant proposes to drain the application site (by gravity) to the north, via a new attenuation tank and basin, which would then connect to Highways England's M62 drainage at a discharge rate of 22 litres per second.
- 10.196 Foul water would be pumped via a new pumping station (proposed at the north corner of the residential development) to existing Yorkshire Water sewers.
- 10.197 The Lead Local Flood Authority (LLFA) provided advice at pre-application stage. At application stage, the LLFA raised no objection to the proposed attenuation or the proposed discharge rate, but requested further research and information regarding flood routing, a site management plan, and investigation of a potential culverted watercourse at the northernmost part of the application site.
- 10.198 The following progress has been made in resolving the outstanding concerns of the LLFA relating to drainage and flood risk:
- Flood routing – Roads and public open space should be used for flood routing, but residential curtilage should not be. The LLFA were concerned that flood routing had not been taken into account by the applicant, and that the proposed layout therefore failed to avoid risk. In response, the applicant has provided further information and amended the proposed layout, including around units 142 to 146. In their most recent comments, the LLFA have confirmed that these amendments are acceptable. A condition controlling development within the space adjacent to unit 143 is recommended.
 - Sustainable Drainage Systems (SUDS) treatment – The LLFA have noted the applicant's information regarding the ownership of (and constraints relevant to) the proposed basin, and have additionally noted that surface water already enters the M62 drainage system without any treatment. The LLFA have therefore accepted that the proposed basin can be provided without being utilised for SUDS treatment.
 - Culverted watercourse – The LLFA were not able to support the layout proposed in the northernmost part of the site without further site investigation to ascertain whether a culverted watercourse exists beneath that part of the site. To address this concern, the applicant organised slip trenching, which was carried out at the site on 13/07/2022 in the presence of an officer of the LLFA. This site investigation found that the watercourse did not appear to enter the application site, and it is therefore considered that the matter has been satisfactorily addressed.
- 10.199 Given the need for a masterplanned, co-ordinated approach to drainage across the HS11 allocated site, it is recommended that the necessary Section 106 Heads of Terms include the establishment of or participation in a drainage working group (with regular meetings) to oversee the implementation of a HS11-wide drainage masterplan.

- 10.200 Residents have expressed concern regarding drainage and flood risk, and have referred to existing problems relating to wet ground in the southeast corner of the application site, which is alleged to have become worse following recent site investigation work. In response, it is noted that an effective site-wide drainage strategy provides an opportunity to address existing drainage problems. Regarding recent site investigation work, this should have simply involved digging trenches and refilling them with the dug-up material, and this should not have had any significant effect on drainage locally.
- 10.201 Yorkshire Water have not objected to the proposals.
- 10.202 A condition is recommended regarding temporary drainage during the construction phase.

Environmental and public health

- 10.203 A Health Impact Assessment has been submitted, while chapter 5 of the ES addresses socio-economics and community matters. These documents have been assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy.
- 10.204 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 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.
- 10.205 KC Public Health have provided comments, including in relation to active travel. No objection to the proposals has been raised by KC Public Health.
- 10.206 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. 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, air quality needs to be addressed at application stage. Accordingly, ES chapter 12 addresses air quality and odour, and has been reviewed by KC Environmental Health.
- 10.207 The applicant's methodology and approach to air quality is considered acceptable, and KC Environmental Health officers concur with the conclusion that the NO₂ and PM₁₀ concentrations would not exceed the national air quality objectives for those pollutants. The applicant's calculated air quality damage costs (£30,757 for the Bradley Villa Farm site and £243,991 for the HS11 allocation) are accepted, however the applicant's proposed mitigation includes measures that – as set out in the West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016) – cannot be counted against these costs. It is recommended that the damage cost contribution be secured via the required Section 106 agreement, for the council to spend on local air quality improvement.

- 10.208 The applicant's air quality information was prepared before it was confirmed that air source heat pumps (instead of gas boilers) would be provided for the majority of dwellings. This aspect of the proposals is welcomed in relation to air quality impacts.
- 10.209 A standalone Odour Assessment has also been submitted. The applicant's methodology is generally considered acceptable, however unpleasant agricultural odours were detected at ten locations, and the applicant's survey work was carried out at unrepresentative temperatures. Officers therefore could not conclude that the future risk of odour complaints would be low.
- 10.210 As noted earlier in this report, in attempting to address the above concerns, the applicant established that odours from the egg production facility at Bradley Villa Farm would impact upon significant parts of the application site, and would reduce the developable area of HS11. The applicant found that these impacts could not be mitigated with appropriate screening or other physical measures. The applicant has therefore negotiated with the adjacent farmer, who has agreed to cease egg production activity. This cessation would need to be secured and made permanent via a Section 106 obligation.
- 10.211 Electric vehicle charging and travel planning (which are relevant to air quality mitigation) are considered earlier in this report.
- 10.212 Regarding construction-phase air quality impacts, best practice mitigation should be implemented. Details of this mitigation would need to be submitted pursuant to the recommended condition securing a Construction (Environmental) Management Plan.
- 10.213 ES chapter 13 assesses the noise and vibration impact of the proposed development. KC Environmental Health have advised that, at some of the proposed dwellings, windows would need to be opened on hot days as trickle ventilation would not be adequate. This would expose residents to the site's elevated levels of road traffic noise. Mechanical ventilation is therefore likely to be needed. Relevant conditions are recommended regarding noise mitigation and the ventilation of habitable rooms.
- 10.214 For visual amenity and landscape impact reasons, the erection of acoustic barriers along the north edge of the application site is not recommended.
- 10.215 Generally, air source heat pumps are low-noise installations, however it is recommended that details of noise from the proposed units (and adequate maintenance of the units to ensure noise problems do not emerge in the future) be secured by condition.
- 10.216 The Construction (Environmental) Management Plan mentioned above would also need to control hours of working, noise and vibration, dust and artificial lighting during construction.

Site contamination and stability

- 10.217 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.
- 10.218 The application site is not within a buffer zone or area of contamination risk, however site investigation has been carried out by the applicant, and the applicant's submitted information has been assessed by KC Environmental Health with regard to Local Plan policy LP53. ES chapter 14 addresses site contamination.
- 10.219 KC Environmental Health have advised that the site is partially uncharacterised, that further information is required in relation to gas risks and the ground gas regime at the site, and that four contaminated land conditions are necessary. These conditions and a footnote are recommended.
- 10.220 Most of the application site is within the Development Low Risk Area as defined by the Coal Authority, however the northern part of the site (the part which extends into the green belt) is within the Development High Risk Area, as is much of the larger (council-owned) part of HS11. Therefore within the site and surrounding area there are coal mining features and hazards. No standalone Coal Mining Risk Assessment has been submitted, however ES chapter 14 addresses ground conditions.
- 10.221 The Coal Authority have advised that any approval of planning permission should be subject to a condition requiring further intrusive site investigation in relation to the site's coal mining legacy. This condition is recommended.

Ecological considerations

- 10.222 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.
- 10.223 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, Local Plan policy LP30, and the council's Biodiversity Net Gain Technical Advice Note are relevant. A 10% net biodiversity gain should 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 3.0 (launched on 07/07/2021). In order to address the above, from the outset the proposed development should have been supported by landscaping information and a calculation of change in biodiversity value using this metric.

- 10.224 A biodiversity metric calculation was submitted by the applicant on 26/04/2022, along with a Biodiversity Impact Assessment. The applicant found that the application site had an existing value of 22.66 biodiversity habitat units and 1.87 hedgerow units. The applicant calculated that – given the proposed habitat enhancement and creation (and management for a minimum of 30 years) – the site’s post-development values would be 15.5 biodiversity habitat units (a total net unit change of -7.16 units, equating to a -31.6% net percentage loss) and 4.52 hedgerow units (a total net unit change of +2.64 units, equating to a +141.16% net percentage gain).
- 10.225 Achieving biodiversity net gain within an application site is the preferred option. If this cannot be achieved within an application site (i.e., where it can be demonstrated that on-site compensation methods have been exhausted), applicants are required to secure off-site compensation. In those situations, as set out in the council’s Biodiversity Net Gain Technical Advice Note (paragraph 3.4.1 onwards), applicants will need to demonstrate that sufficient off-site habitat creation or enhancement has been secured to achieve a minimum 10% biodiversity net gain. Off-site compensation can be secured through one, or a combination, of the following:
- Management of land within the control of the developer;
 - Purchase of the required compensation value from a Habitat Bank;
 - Payment of a commuted sum to the Local Planning Authority; or
 - A combination of all or some of the above.
- 10.226 In accordance with the council’s Technical Advice Note, applicants are encouraged firstly to source and bring forward appropriate sites on which their biodiversity offsetting can occur. These should be reasonably close to the development site and have the potential to establish or enhance in-kind habitats to those due to be lost. If an applicant is unable to secure a site where adequate biodiversity offsetting can occur then a financial payment to the council, for use to enhance biodiversity on council-managed land, will be required.
- 10.227 In response to this guidance, the applicant stated that they have maximised on-site provision, and that they do not control any further land in the vicinity and that further provision would therefore not be deliverable.
- 10.228 It is accepted that on-site habitat provision has indeed been maximised in the applicant’s proposals, having regard to other demands for space within the site. The applicant’s response regarding off-site provision would not normally be considered adequate, however at the Bradley Villa Farm site it is noted that adjacent land is in relatively intensive agricultural use, is within private residential curtilages, or is council-owned. There are opportunities within that council-owned land for habitat creation, and if the applicant were to secure an agreement for off-site habitat creation with a nearby landowner, that nearby landowner is likely to be the council. It is therefore recommended that a financial contribution towards off-site provision can be accepted in this instance. Referring to the information submitted by the applicant on 26/04/2022, KC Ecology have advised that a financial contribution of £230,690 would be payable.
- 10.229 Regarding other ecological impacts of the proposed development, chapter 8 of the applicant’s ES is relevant.

- 10.230 Chapter 8 notes that a pond within the adjacent golf course to the east was selected as an “Ark” site to relocate white-clawed crayfish to, in an attempt to save the population that exists in Kirklees, following population collapse in Huddersfield Narrow Canal due to the presence of invasive signal crayfish. In 2011 a number of white-clawed crayfish were introduced to this pond as part of the conservation programme. Monitoring surveys carried out in 2014 found the population to have survived, and it is assumed that this protected species are still present in the pond today. The presence of other species (such as great crested newts) has not been ruled out at this pond. As noted earlier in this report, during the life of the application the applicant amended the alignment of the proposed spine road within the application site, so its future eastwards trajectory would not result in the loss of this pond.
- 10.231 Chapter 8 identifies three “important environmental features” at the application site: the adjacent woodland, bats and birds. The applicant has asserted, however, that the proposed mitigation and compensation measures (including bat and bird boxes, and flower-rich grass) would ensure no residual impacts would occur as a result of the development and no cumulative effects are expected when assessed against the proposed wider allocation development.
- 10.232 No other concerns have been raised by KC Ecology, and – subject to the biodiversity net gain contribution being secured, and conditions being applied in relation to ecological mitigation and landscaping – it is considered that the proposed development is acceptable in terms of its ecological impact.

Trees and hedgerows

- 10.233 Tree Preservation Order 17/98/t8 protects a Hawthorn tree at the west end of the allocated site. Other trees exist in several locations across HS11.
- 10.234 Local Plan policy LP33 is relevant. A Tree Survey, Arboricultural Impact Assessment and Method Statement were requested at pre-application stage. The applicant was advised that the required 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.
- 10.235 At application stage, a tree survey and Arboricultural Impact Assessment have been submitted. The applicant proposes the felling of the protected Hawthorn tree, which has not attracted an objection from KC Trees, subject to appropriate mitigation being secured. Regarding other trees identified for felling, KC Trees objected. Amendments to this part of the proposed development (along Shepherds Thorn Lane) were therefore requested, and the proposed development now includes retention of trees and additional tree planting (including the planting of heavy standard trees) along this north-south route. This aspect of the proposals is now considered acceptable, subject to full details of soft landscaping being submitted pursuant to a recommended condition. A condition securing a Tree Protection Plan and Arboricultural Method Statement is recommended.
- 10.236 While welcoming the amendments made during the life of the application, KC Trees have most recently commented that tree T23 (as identified in the applicant’s Arboricultural Survey) could be retained, however the applicant has advised that the access track can’t be rerouted (to avoid the loss of tree T23) due to the associated changes in level and the batters required.

- 10.237 A TPO-protected Birch tree at 686 Bradford Road would not be affected by the proposed development. Other protected trees along Bradford Road would not be affected by the future shared cycle/footway between the site entrance and Bradley Bar roundabout indicatively illustrated in a recent submission from the applicant.
- 10.238 The applicant has responded positively to earlier advice regarding Green Streets principles and paragraph 131 of the NPPF (which requires new streets to be tree-lined), with the addition of street trees during the life of the application (this has partly been enabled by the amended application site red line boundary, which made space for both a shared cycle/footway and planting on the south side of the proposed spine road). Trees have also been added to Shepherds Thorn Lane and the site's northern boundary, which would be beneficial in terms of habitat connectivity and accords with the White Rose Forest initiative (which the council promotes and which is intended to greatly increase tree cover within the borough). This aspect of the proposed development would also help it reflect some of the wider context of HS11, where significant areas of land are covered by woodland, including ancient woodland.
- 10.239 At pre-application stage the applicant team were also advised to monitor progress regarding the then-anticipated England Tree Strategy. The Government subsequently published the England Trees Action Plan instead. This continues the emphasis of the NPPF on the provision of more trees in towns and cities.

Open space, sports and recreation

- 10.240 The applicant proposes a central area of open space, running approximately southwest-northeast between the proposed spine road and Shepherds Thorn Lane. This location is considered appropriate, as it would render the open space visible from the spine road, it would allow for a potential extension of the open space on the east side of Shepherds Thorn Lane, and it would include the highest part of the site. The applicant's open space plan provided on 25/04/2022 shows the development's open space as 4,951sqm of Natural and Semi-Natural Green Space and 7,751sqm of Amenity Greenspace (using the open space typologies set out in the council's Open Space SPD). Limited detail of the purpose(s) and management of these spaces has been provided.
- 10.241 Regarding play, the proposed 277 dwellings trigger a need for a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA).
- 10.242 It is noted that – other than along Shepherds Thorn Lane – no open space is proposed to the south of the spine road, therefore children living within the southern part of the development would need to cross the spine road in order to access green space. However, an appropriate pedestrian crossing is proposed, and the spine road would be subject to a 30mph speed restriction.
- 10.243 The applicant's Landscape Strategy Plan (rev E) indicates that a play space would be provided within the development's main open space, and the submitted Design and Access Statement refers to the provision of 0.17 hectares of play areas (including a 400sqm LEAP), however no further details have been provided.

- 10.244 A condition is recommended, requiring details of the purpose, landscaping and equipment of the proposed on-site open space. Details of the treatment of paths and potential desire lines across open spaces would need to be provided. The required details would also need to demonstrate how any on-site playspace provision would be multifunctional, and would promote children's independence in their own neighbourhood. Playspaces should be located and designed in accordance with Fields in Trust guidance. It is recommended that the required Section 106 agreement include provisions for a management company to take responsibility for the management of the on-site open space.
- 10.245 Notwithstanding the proposed on-site provision, the applicant's proposals would still necessitate a financial contribution towards off-site open space. The contribution has been calculated in accordance with Local Plan policy LP63, and the methodology set out in the adopted Open Space SPD, taking into account deficiencies in the Ashbrow ward. A contribution of £558,138 is required, and it is recommended that this be secured in the necessary Section 106 agreement.
- 10.246 Development of the wider HS11 site would necessitate relocation and reprovision of existing golfing and other sports facilities in accordance with the wording of the site allocation. It is understood that costs of around £4.07m would be incurred in relation to this relocation and reprovision. It is considered that this reprovision would be best located at the northeast part of the HS11 site (on council-owned land), and this matter is therefore not considered to be a key land use or layout constraint at the Bradley Villa Farm site. Nevertheless, development on part of the HS11 site should be required to contribute towards the cost of reprovision, and the Bradley Villa Farm development's share of this would be £575,786.

Planning obligations and financial viability

- 10.247 A development of this scale (and development of the wider HS11 site) would have significant impacts requiring mitigation. The following planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) would need to be included in a Section 106 agreement:
- 1) Affordable housing – 55 affordable dwellings (30 affordable/social rent, 14 First Homes and 11 other intermediate) to be provided in perpetuity.
 - 2) Open space – Off-site contribution of £558,138 to address shortfalls in specific open space typologies.
 - 3) On-site open space inspection fee – £250.
 - 4) Education and child care – Contributions of: i) £91,956 towards early years and childcare provision; ii) £1,414,708 towards a new two form entry primary school; and iii) £473,391 towards secondary provision.
 - 5) Off-site highway works – Contributions of: i) £820,474 towards the Cooper Bridge highway improvement scheme; and ii) £287,950 towards future capacity improvements at the Bradley Bar roundabout.
 - 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including: i) a £141,685.50 contribution towards sustainable travel measures; ii) implementation of a Travel Plan; iii) £15,000 towards Travel Plan monitoring; and iv) a £92,000 contribution towards new bus stops and bus stop improvements.
 - 7) Air quality mitigation – Damage cost contribution of £30,757.

- 8) Biodiversity – Contribution of £230,690 towards off-site measures to achieve biodiversity net gain.
- 9) Odour – Cessation of egg production at adjacent farm.
- 10) Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.
- 11) Sports and recreation re-provision – Contribution of £575,786 towards re-provision of existing facilities within HS11 site.
- 12) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of street trees (if planted on land not adopted). Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.

10.248 All contributions are to be index-linked.

10.249 The applicant initially submitted a draft list of Heads of Terms which did not include all of the above items, however the applicant subsequently advised that the officer-drafted Heads of Terms were agreed. Notwithstanding this, the applicant later requested more information regarding the Section 106 contributions sought, resulting in the Strategic Planning Committee's deferral of its decision (as per the officer's revised recommendation) on 14/07/2022. Officers subsequently provided the requested information and a revised education contribution calculation to the applicant. On 19/08/2022 the applicant confirmed that the Section 106 contributions were agreed.

10.250 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 applicant team. At pre-application stage the applicant team were 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 58 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

10.251 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.

10.252 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Permitted development extensions could also affect longer views of the site from public vantage points.

Phasing and delivery

10.253 If planning permission is approved, a development of this scale is likely to be constructed in phases. Limited phasing information has been provided by the applicant team to date. 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 The application site is allocated for residential development under site allocation HS11, and the principle of residential development at this site is considered acceptable.

11.2 The applicant has satisfactorily addressed the concerns set out in the previous Position Statement in relation to masterplanning, layout, neighbourhood connectivity, landscape impacts, other aspects of design, unit size mix, biodiversity, sustainability, odour and other planning matters.

11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), access, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at conditions stage.

11.4 Given the above assessment and having particular regard to the 277 homes (including 55 affordable homes) that would be delivered by the proposed development, approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.

11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions including any amendments / additions to be delegated to the Head of Strategic Investment)

- Three years to commence development.
- Development to be carried out in accordance with the approved plans and specifications.
- Submission of a Construction (Environmental) Management Plan, including details of engagement with local residents.
- Submission of a Construction Environmental Management Plan (biodiversity).
- Provision of site entrance and visibility splays prior to works commencing.
- Submission of details of temporary drainage.

- Submission of details of temporary waste collection.
- Archaeological investigation.
- Delivery of Bradford Road junction works and details of allowance for possible future junction works.
- Delivery of Bradley Bar roundabout works.
- Submission of details of spine road / Shepherds Thorn Lane junction.
- Submission of details relating to internal adoptable roads.
- Cycle parking provision to be provided within the site.
- Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
- Restriction on occupation until odour source has ceased.
- Submission of details of electricity connection serving HS11 site.
- Provision of waste storage and collection.
- Submission of details of any highway retaining structures.
- Further site investigation related to coal mining legacy.
- Submission of a revised drainage strategy.
- Submission of flood routing details.
- Site to be developed by separate systems of drainage for foul and surface water on and off site.
- Submission of details of parking surface treatments.
- Submission of an Intrusive Site Investigation Report (Phase II Report).
- Submission of Remediation Strategy.
- Implementation of Remediation Strategy.
- Submission of Validation Report.
- Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise, and details of ventilation.
- Submission of air quality assessment and details of mitigation measures.
- Submission of details of crime prevention measures.
- Submission of details of external materials (and site-wide review of materials).
- Submission of details of electricity substation(s).
- Submission of details of boundary treatments.
- Submission of details of air source heat pumps (appearance, noise and maintenance).
- Submission of details (including surface treatment, bollards and any boundary treatment) of foul water pumping station.
- Submission of details of external lighting.
- Submission of full landscaping scheme, including details of open space and playspace.
- Submission of a Biodiversity Enhancement Management Plan.
- Submission of a Tree Protection Plan and Arboricultural Method Statement.
- No removal of vegetation during bird nesting season.
- Removal of permitted development rights and control of development within space adjacent to unit 143.
- Control of accretions to elevations fronting highways, open space and green belt.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92086>

[Link to application details](#)

Certificate of Ownership – Certificate B signed.