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**Service Director – Legal, Governance and
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Wednesday 29 March 2023

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 6 April 2023**.

(A coach will depart the Town Hall, at 10:00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

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

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

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
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 - 12

To approve the Minutes of the meeting of the Committee held on the 2nd of March 2023.

3: Declaration of Interests and Lobbying

13 - 14

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Site Visit - Application No: 2021/93567

Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton.

(Estimated time of arrival at site 10:25 am)

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

7: Site Visit - Application No: 2022/91735

Outline application, with access and layout, for the erection of 80 dwellings and associated work Land off, Hermitage Park, Lepton, Huddersfield.

(Estimated time of arrival at site 11:15 am)

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Almondbury.

8: Planning Applications

15 - 16

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 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 3 April 2023.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995 or 74993).

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

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

9: Planning Application - Application No: 2022/91735 17 - 74

Outline application, with access and layout, for the erection of 80 dwellings and associated work Land off, Hermitage Park, Lepton, Huddersfield.

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Almondbury.

10: Planning Application - Application No: 2021/93567 75 - 108

Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton.

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

Planning Update

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

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd March 2023

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Tyler Hawkins
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

1 Membership of the Committee

Councillor Hawkins attended for Councillor Davies.

2 Minutes of the Previous Meeting Resolved –

That the Minutes of the meeting of the Committee held on 26th January 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Armer, Hall, Pattison, Pinnock and Thompson advised that they had been lobbied in respect of Application No. 2021/94029.

In the interests of transparency and probity, Councillor Sokhal advised that he had decided not to participate in respect of Application No. 2021/94029 and left the meeting whilst that application was considered and voted upon.

Councillors Hall, Hawkins and Pattison advised that they had been lobbied in respect of Application No. 2022/93248.

Councillors Hall, Pattison, Pinnock and Thompson advised that they had been lobbied in respect of Application No. 2021/94208.

Councillors Hall, Hawkins and Pattison advised that they had been lobbied in respect of Application No. 2022/92406.

4 Admission of the Public

All items were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

Strategic Planning Committee - 2 March 2023

7 Site Visit - Application No. 2022/92406
Site visit undertaken.

8 Site Visit - Application No. 2022/93230
Site visit undertaken.

9 Planning Application - Application No: 2021/94029
The Committee considered Application 2021/94029 relating to the demolition of existing structures and erection of a foodstore (Class E) with associated access, parking, servicing areas and landscaping on the site of the former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Inder Bhullar, John Barber, Malcolm Sizer and Mark Stringer (in objection), Robert Sleigh (in support) and Thomas Hanrey (on behalf of the applicant).

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. 3 year Time Limit for Permission Implementation (TCPA S91)
 2. Development to be carried out in accordance with approved plan and document schedule.
 3. Construction Environmental Management Plan (Pre-commencement)
 4. Implement agreed Dust Mitigation Scheme
 5. Gross and net floorspace, convenience and comparison goods sales restrictions.
 6. No internal or external sub-division of premises for separate use or retail entity.
 7. Electric Vehicle Charging Points
 8. Implement Agreed Noise Mitigation Measures
 9. Acoustic Barrier Details
 10. Noise Specification from Fixed Plant and Equipment
 11. Customers Time Restrictions
 12. Delivery Time Restrictions
 13. Reporting Unexpected Contamination
 14. External Lighting Design Strategy for Biodiversity and Residential Amenity
 15. Submission of details relating to the kitchen extraction system for the bakery
 16. Submission of detailed Travel Plan
 17. Areas to be Surfaced and Drained
 18. Junction Access Sightlines
 19. Closure of Existing Access
 20. Submission of Details for a Right Turn Lane on New Hey Road (Precommencement)
 21. Retaining Walls (Pre-commencement)

Strategic Planning Committee - 2 March 2023

22. Implementation of agreed drainage design
23. Drainage Attenuation and Flow Control Detail Submission (Pre-commencement)
24. Sample of external facing materials and sample panel of masonry, inclusive of retaining wall facing materials
25. Submission of detailed boundary wall specifications
26. Ecological Design Strategy for Implementing Biodiversity Off-Setting
27. Working restrictions in respect of nesting birds
28. Removal of invasive non-native species (Pre-commencement)

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

- (i) Biodiversity – A financial contribution of £44,620 towards off-site measures to achieve biodiversity net gain in accordance with the Biodiversity Technical Advice Note;
- (ii) Sustainable Travel Improvements – A financial contribution of £26,000 for the provision of 2 no. bus stop shelters on New Hey Road (stops 22485 & 22498) as well as a further £10,000 towards Travel Plan Monitoring;
- (iii) Management – The establishment of a management company for the management and maintenance of infrastructure (including surface water and foul drainage infrastructure) until formally adopted by the statutory undertaker).

- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, 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 Armer, Hall, Hawkins, and Pattison (4 votes)
Against: Councillors Pinnock and Thompson (2 votes).

10 **Planning Application - Application No. 2022/93248**

The Committee considered Application 2022/93248 relating to the demolition of existing Piazza shopping centre; part removal of Queensgate Market; demolition/retention of service tunnels; redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into food hall (Use Class E (b) sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form museum (Use Class F.1); change of use of part existing market hall building and extension to form public library (Use Class F.1); erection of indoor event venue incorporating multi-storey car park below (Sui-Generis); erection of public gallery building (Class F.1); associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre (part Listed Building/part within a Conservation Area) Piazza Centre, Princess Alexandra Walk, Huddersfield.

Strategic Planning Committee - 2 March 2023

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Roberts, James Sibson, Chris Calvert and David Glover (on behalf of the applicant).

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:

Timeframe and phasing

1. 5 year time frame to commence development
2. Development build in accordance with Plans
3. Submission of a Phasing Plan

Heritage

4. Details of all external materials for all new construction including samples of ceramic cladding and facing materials for sensitive locations
5. Landscaping details, materials, street furniture design, anti-social behaviour measures, a landscape strategy and a maintenance plan.
6. External lighting strategy and specifications in sensitive locations

Highways

7. Construction Environmental Management Plan (CEMP)
8. Events Management Plan
9. Service Management Plan
10. Full Travel Plan
11. Signing/Wayfinding Strategy
12. Highway Works – construction of new signalised access from A62 Queensgate to MSCP
13. Highway Works – construction of new service layby on Alfred Street
14. Multistorey Car Park (MSCP) Access Control System

Highway Structures

15. New retaining walls
16. Surface water attenuation tanks

Environmental Health

17. Air Quality Impact Assessment
18. Electric Vehicle Charging Points
19. Implement agreed Kitchen Extract Scheme
20. Submission of a Phase 2 Intrusive Site Investigation Report
21. Submission of Remediation Strategy (cont. land)
22. Implementation of the Remediation Strategy (cont. land)
23. Submission of Verification Report (cont. land)
24. Noise Report required for proposed noise generating use
25. Noise from Fixed Plant & Equipment
26. Entertainment Noise Inaudibility

Strategic Planning Committee - 2 March 2023

27. Installation of the Agreed External Artificial Lighting

28. Construction Environmental Management Plan

Drainage

29. Drainage Details (scheme detailing foul, surface water and land drainage)

30. Overland Flow Routing

31. Construction Phase Surface Water Flood Risk and Pollution prevention plan.

Ecology

32. Ecology Ecological Design Strategy (EDS)

33. Construction environmental management plan (CEMP: Biodiversity)

Coal Authority

34. Intrusive site investigations

35. Declaration prepared by a suitably competent person

Others

36. Sustainability- provisions of the Climate Change Statement to be implemented (and thereafter retained), along with a Post Construction Report

37. Details of waste collection provision

38. Tree protection plan

39. Landscape / tree planting details

b) secure an agreement to cover the following matters:

Sustainable Transport:- Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).

- 2) In the circumstances where the requisite agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, 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 Hall, Hawkins, Pattison, Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

11 **Planning Application - Application No. 2021/94208**

Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) at the former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

Strategic Planning Committee - 2 March 2023

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

Under the provisions of Council Procedure Rule 37, the Committee received representations from Charlie Brown (in objection) and Matthew Sheppard (on behalf of the applicant).

Resolved –

That the application be refused for the following reasons:

- 1) the intensification of the access junction, and the impact on Cliff Hollins Lane and Mill Carr Hill Road and the junction with Bradford Road by the introduction of the predicted generation of traffic indicated in paragraph 10.37 of the officer's report is considered to be unacceptable as it would be detrimental to highway safety.
- 2) Notwithstanding the position of National Highways (as set out in paragraphs 8.1 and 10.6 of the officer's report), building upon safeguarded land (for highways improvements) would unacceptably remove potential future opportunities to improve the strategic highways network, namely connections between the M62 and M606, which in turn would benefit the local network at Junction 26 / Chain Bar Roundabout.

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

For: Councillors Hall, Pinnock and Thompson (3 votes)

Against: Councillors Hawkins, Pattison and Sokhal (3 votes)

Abstain: Councillor Armer

The Chair used his casting vote for the motion.

12 Planning Application - Application No. 2022/92406

The Committee considered Application 2022/92406 in relation to the erection of 10 affordable dwellings, with access from Chapelgate and associated works, including resident play zone on land adjacent to 67 Chapelgate, Scholes, Holmfirth.

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Moses Crook, Paul Davies and Donald Firth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Rob Heels, Dean Killock and Carol Killock (in objection) and Tony Hood, Martyn Broadest and David Storrie (on behalf of the applicant).

Strategic Planning Committee - 2 March 2023

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 and the update, as set out below:
 1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Details of boundary treatments to be submitted and approved, and thereafter installed and retained.
 4. Materials samples, to include natural stone and slate, to be provided.
 5. Remove Permitted Development rights for extensions, outbuildings, and dormers.
 6. Retaining walls erected as per approved plans.
 7. Landscaping to be done in accordance with plan.
 8. Landscaping management and maintenance plan to be provided.
 9. Details of new village sign, to be provided and retained.
 10. Construction Environmental Management Plan (CEMP).
 11. Road to adoptable standard.
 12. Access, Sightlines, Footpath to acceptable standards.
 13. Cycle stores to be provided.
 14. Construction Traffic Management Plan (CTMP).
 15. Road Condition Survey.
 16. Drainage strategy.
 17. Flood routing strategy.
 18. Temporary drainage strategy for construction.
 19. Car parking crime mitigation measures.
 20. One Electric Vehicle Charging Point per dwelling.
 21. Contaminated land investigations.
 22. Invasive species management plan.
 23. An Ecological Design Strategy (including management and maintenance details) to demonstrate how the 0.68 habitat units will be delivered on site, to include; five bat boxes, five bird boxes, five log piles, provision of hedgehog holes in garden boundaries.
 24. A lighting designs strategy (ecology).
 25. Restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken).
 26. Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity)
 - b) secure a Section 106 agreement to cover the following matters:
 - (i) Limit occupation of the dwellings to those with a local connection and in need of affordable housing.
 - (ii) The provision of 0.8 habitat units within the area, an off-site contribution (£18,538), or a mixture of the two. On-site habitat to be manged for 30 years.

Strategic Planning Committee - 2 March 2023

(iii) Management and maintenance of drainage infrastructure (prior to adoption) and ecological features.

- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, 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 Hall, Hawkins, Pattison, Pinnock and Sokhal (5 votes)

Against: Councillors Armer and Thompson (2 votes)

13 **Planning Application - Application No. 2022/93342**

The Committee considered Application 2022/93342 in respect of the demolition of an existing building and erection of engineering building with associated external works at David Brown Santasalo UK Ltd, Park Works, Park Road, Lockwood, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

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. 3-year commencement timescale.
2. Development in accordance with the approved plans.
3. Phase I contaminated land assessment.
4. Phase II contaminated land assessment.
5. Contaminated land remediation strategy.
6. Implementation of contaminated land remediation strategy.
7. Contaminated land verification report.
8. Provision of highway retaining wall/structure.
9. Air Quality Impact Assessment.
10. Construction Environmental Management Plan.
11. Noise Impact Assessment.
12. Surface and foul water drainage strategy.
13. Separate foul and surface water drainage systems.
14. No piped discharge prior to completion of surface water drainage works.
15. Details of external materials.
16. Solar Panel Glint and Glare Assessment.
17. External lighting strategy.
18. Swift (Apus apus) nesting box.

19. Compliance with Bat Roost Survey Report.

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

For: Councillors Armer, Hall, Hawkins, Pattison, Pinnock, Sokhal and Thompson (7 votes)

Against: (no votes)

14 Planning Application - Application No. 2022/93230

The Committee considered Application 2022/93230 to deepen and extend Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by infill with construction, demolition and excavation wastes; and recycle imported construction demolition and excavation wastes at Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Chris Ballam (on behalf of the applicant).

Resolved –

That the application be refused for the following reasons:

1. The proposals through the construction of a new access road will result in the encroachment of urban development into the countryside. This together with its use as proposed would constitute inappropriate development failing to preserve the openness of the green belt and would conflict with the purpose of including the land within the green belt. Very special circumstances (which clearly outweigh this inappropriateness and other harm) has not been sufficiently demonstrated. The proposal is therefore contrary to policies LP32 and LP36, Part 2 (a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.
2. The proposals will result in an intensified use in HGV movements on the surrounding highway network including Cartworth Moor Road. Consequently, this will result in the further structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements. Cartworth Moor Road in part forms a core walking and cycling network. The intensified HGV's movements is likely to result in significant highway safety concerns from conflicts between HGV and other road users including vehicular, equestrian, cyclists and pedestrians, failing to safeguard and undermine the safety of all other users. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 Part 2 (points c, d and f).

Strategic Planning Committee - 2 March 2023

3. The carrying out of the proposals will result in unacceptable noise nuisance to the occupants of the nearest noise sensitive receptor known as Moorfield Farm. It has not sufficiently been demonstrated how the detrimental impact from noise nuisance on the occupiers of Moorfield Farm can be mitigated against adequately. The proposals as such fail to comply with Kirklees Local Plan Policies LP36, Part 2(c) and LP52 and guidance in the National Planning Policy Framework.
4. The submitted information fails to demonstrate sufficiently how the proposals would avoid causing potential detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the application site, to accord with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework.

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

For: Councillors Armer, Hall, Hawkins, Pattison, Sokhal and Thompson (6 votes)

Against: Councillor Pinnock (1 vote)

15 **Planning Application - Application No. 2022/93465**

The Committee considered Application 2022/93465 in respect of the variation of Condition 30 (minerals) on previous permission 2000/90671 for extension of Carr Hill Quarry including the extraction of sandstone and clay, associated activities and its restoration by means of infill with inert wastes at Carr Hill Quarry, Barnsley Road, Upper Cumberworth, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Chris Ballam (on behalf of the applicant).

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 rewording of condition 30, on receipt of accurate final site layout drawings showing appropriate contouring details.
 - b) secure a Section 106 agreement to cover the following matters:

to link the existing structures and their use on the application site, to the applicant's haulage business situated 240 metres to the west, on the A635 Holmfirth Road.
- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

Strategic Planning Committee - 2 March 2023

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

For: Councillors Hall, Hawkins, Pattison, Pinnock, Sokhal and Thompson (6 votes)

Against: (no votes)

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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: 06-Apr-2023

Subject: Planning Application 2022/91735 Outline application, with access and layout, for the erection of 80 dwellings and associated work Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU

APPLICANT

KCS Development Ltd

DATE VALID

19-May-2022

TARGET DATE

18-Aug-2022

EXTENSION EXPIRY DATE

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

- a) **Affordable Housing:** 16 units (20%) to consist of nine Affordable Rent (55%) and seven Intermediate Dwellings (45%), including four First Homes (25%).
- b) **Open space off-site contribution:** Delivery of on-site Public Open Space (amenity green space, natural and semi-natural green space, and parks and recreation) and an off-site contribution of £72,724, unless updated at Reserved Matters (Landscape) stage.
- c) **Education:** £225,821 towards education requirements arising from the development
- d) **Metro / sustainable travel:** £50,920 towards Sustainable Travel measures (including £40,920 for MetroCards and £10,000 towards Travel Plan Monitoring).
- e) **Access to Masterplan Phase 3/4:** £422,224 with overage clause if the identified cost is exceeded.
- f) **Management and maintenance:** Management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by Yorkshire Water), and Biodiversity Net Gain measures for a minimum of 30 years.
- g) **Footpath:** Maintenance of public access to footpath along diverted claimed footpath route in perpetuity.

In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This is an application for outline planning permission, with layout and access as considerations, for a residential development of 80 dwellings.
- 1.2 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, as the proposal relates to a residential development of over 60 units.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site has an area of 6.2ha with an irregular shape. It consists principally of grassland fields which are subdivided by two tree belts, running roughly east to west, in the centre of the site. The topography falls downhill from north-east to south-west.

2.2 The site is 4.8km east of Huddersfield Town Centre. Generally, to the north is the settlement of Lepton and to the south is open land. To the north of the site is Rowley Lane and to the east Hermitage Park. Each road has dwellings backing onto the site. A field gate gives informal access to the site from Hermitage Park. To the south and south-east of the site is Lepton Great Wood, an ancient woodland. To the south, beyond another tree-belt, are additional grassed fields which, in addition to the site, form Housing Allocation HS3 in the Kirklees Local Plan. Connected to the south-west to the land forming HS3 are further fields that are Housing Allocation HS2.

2.3 Public Right of Way KIR/85/10 runs east-west through the site, connecting Rowley Lane to Lepton Great Wood. Several other claimed (but not formally accepted at the time of writing) footpaths cross the site. These are subject to separate Definitive Map Modification Order (DMMO) applications.

3.0 PROPOSAL

3.1 Outline permission, with details of access and layout, is sought for the residential development of 80 units. Other matters (namely appearance, landscaping, and scale) are reserved.

3.2 While scale is reserved, layout has been provided and includes the proposed schedule of accommodate, with the proposed housing mix of:

- 2-bed: 15 (18.75%)
- 3-bed: 34 (42.5%)
- 4-bed: 31 (38.75%)

3.3 Dwellings would be a mixture of semi-detached and detached units, each with off-road parking, gardens, and some hosting garages. Unit heights, designs, and materials, fall under the reserved matters (scale / appearance).

3.4 A new access would be formed from Hermitage Park (replacing the existing informal field entrance). A main estate road would run through the site, roughly north to south, with several roads and private drives branching off at intervals, which dwellings would front onto. The streets are indicatively shown as being tree-lined; however, this would be a reserved matter for Landscaping.

3.5 Landscaping is a reserved matter, however within the remit of layout areas to be kept open are shown (with specifics, such as the type of planting forming the reserved matter of 'landscaping'). Within the centre of the site would be Public Open Space areas. A buffer area is also proposed between the development and Lepton Great Wood (offset of 15m to roads / paths, 20m to buildings).

3.6 In accordance with the requirements of the Local Plan for the development on this Housing Allocation site, the application is supported by a Masterplan Document which details how the full combined allocations of HS2 and HS3 would be developed. The masterplan splits the allocation into four phases,

- Phase 1: the first half of HS2, to be accessed from Rowley Lane, to host up to 75 dwellings. Submitted via 2020/92307 and approved at Strategic Planning Committee 8th of December 2022. The issue of the decision notice is pending the Section 106 agreement being completed.

- Phase 2: **This application.** Consisting of the north-east portion of allocation HS3, to be accessed from Hermitage Park (itself accessed from Rowley Lane). To host up to 80 dwellings. This would not allow vehicle access into the remainder of the allocation.
- Phase 3: The remainder of HS2, to the east of the current application (phase 1) site. Approximately 100 – 200 dwellings. To be accessed via a new roundabout from Penistone Road and road past Phase 1.
- Phase 4: The remainder of HS3, to the west of Phase 2. Approximately 140 – 230 dwellings. Also be accessed via the new roundabout from Penistone Road and road past Phase 1.

The document includes design standards for dwellings, consideration of infrastructure (drainage, roads, footpaths, open spaces etc.), climate change mitigation, amongst other matters.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

None.

4.2 Surrounding Area

Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW (Local Plan Housing Allocation HS1)

2020/90725: Erection of 68 dwellings with associated access, parking and open space (revised plans) – S106 Full Permission.

2022/93154: Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank) – Pending consideration.

2022/94050: Non material amendment to previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans) – Pending consideration.

Penistone Road /, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS (Local Plan Housing Allocation HS2)

2020/92307: Outline application, including the consideration of access, for erection of residential development (up to 75 units) – Pending consideration (approved at the strategic planning committee held on the 8th of December 2022, pending S106 being agreed).

32, Rowley Lane, Lepton, Huddersfield, HD8 0JD

2021/91624: Erection of first floor rear extension, conversion of garage to living accommodation and exterior alterations – Conditional Full Permission.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 A pre-application enquiry, ref. 2018/20236, was submitted in May 2018 relating to Kirklees Draft Local Plan allocations H31, H2684a and H2730a. The discussions and pre-application pre-dated the adoption of the Kirklees Local Plan (2019), and was submitted while the Kirklees Draft Local Plan was going through inspection. Allocations H31, H2684a and H2730a would become allocations HS1, HS2 and HS3 respectively within the adopted Kirklees Local Plan. The pre-application was submitted by a 3rd party (i.e., not the current applicant) and focused on high-level principles including masterplanning and relevant policies of the emerging Local Plan.
- 5.2 A second pre-application enquiry, ref. 2021/20117, was received in March 2021. This was submitted by the current applicant. The pre-application included elements of the draft masterplan for HS2 and HS3, but with a principal focus upon the current application site / 'phase 2' of the masterplan.
- 5.3 The enquiry proposed between 104 – 110 dwellings within the site. While not opposed to this quantum/density from a design perspective, officers expressed concerns over the intention for all units to be accessed via Hermitage Park. The following was stated:
- The main issue arising from this pre-application submission is the proposal for all 110 dwellings to be served from Hermitage Park. It is acknowledged that the Local Plan refers to a secondary point of access onto Hermitage Park. It is also recognised that the Local Plan neither identifies a limit to the number of dwellings served via this route, nor precludes it being a through route from Penistone Road via HS2/HS3. However, based upon the pre-application submission, the Council have insufficient information to demonstrate that allowing up to 110 units from Hermitage Park would enable the deliverability of the wider HS2/HS3 development, with particular regard to the provision of highway infrastructure necessary to serve both sites.*
- 5.4 Based on the information available at that time, officers suggested that the proposal be amended so that circa 50 units be accessed via Hermitage Park with the remaining units on site being accessed from Penistone Road (via Phases 3 and 4).
- 5.5 Other advice offered within pre-app 2021/20117 included feedback on the development of the HS2 / HS3 masterplan and an overview of the expected technical matters and the extent of details required.
- 5.6 The current application, ref. 2022/91735, was received May 2022. Negotiations have taken place regarding various elements including, but not limited to; the proposed housing mix, the layout in terms of amenity, highways, and design, the wider highways impact, and ecological and drainage matters. The proposal initially included Landscaping as a consideration, but was omitted and agreed to form a Reserved Matter through the application process. Discussions have also taken place regarding the required Section 106 package.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is part of Housing Allocation HS3 within the Kirklees Local Plan. Allocation HS2 has an indicative housing capacity of 312 dwellings. The site is adjacent to Housing Allocation HS2 (to the south-west).

6.3 The site represents circa 49.6 % of HS3's total area (12.51ha). However, HS3's net site area (i.e., the developable land) was notably reduced to 8.94ha. This was to take into account the proximity of Lepton Great Wood.

6.4 Site allocation HS3 identifies the following constraints relevant to the site:

- Public rights of way run across the site
- Site lies adjacent to Lepton Great Wood Local Wildlife Site
- Site contains Habitats of Principal Importance
- Protected trees on part of this site
- Site is close to an area of archaeological interest
- Part/all of site is within a High-Risk Coal Referral area
- The site lies close to a Grade II listed building
- The trees alongside the public footpath are protected by a TPO

6.5 Site allocation HS3 identifies the following "Other site-specific considerations":

- The primary access to this site would be via adjacent site allocation HS2 to the south with a secondary access via Hermitage Park.
- Site layout should provide 20m standoff distance from Lepton Great Wood and maintain hedgerows and protected trees within the site ideally through public open space.
- A joint masterplan is required with adjacent site HS2 to be prepared in accordance with policies in the Local Plan
- Avoidance, mitigation and/or compensation measures may be required to address any identified adverse ecological impacts in line with Policy LP30. Such measures may involve the retention of habitats and provision of a habitat corridor to be included within a masterplan for the site.
- In order to safeguard the setting of the Grade II Listed Building known as Crow Trees, no development shall take place on the field/area marked as moderate significance in Councils HIA to the west of the public footpath that runs across the site
- Proposals would identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of heritage assets, taking into account the evidence presented in the Council's Heritage Impact Assessment or

any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.

- The public footpath, the historic field boundary and the trees protected by TPOs to the south of Crow Trees shall be retained as part of any development proposals.

6.6 Given the application only relates to part of HS3, all of the above constraints and considerations may not be applicable. These would be considered where relevant within the main assessment.

6.7 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe lifestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban green space
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

- Affordable Housing and Housing Mix SPD (2023)
- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

Neighbourhood Planning

- 6.9 The Lepton Neighbourhood Area was designated on 18th September 2018 in accordance with the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (2012) as amended. The site falls within the defined area.
- 6.10 Lepton Vision Steering Group were producing a Neighbourhood Development Plan for Lepton on behalf of Kirkburton Parish Council. At Kirkburton Parish Council Neighbourhood Plans Committee meeting held on the 20 October 2022, the steering group stepped down from producing a Neighbourhood Plan for the Lepton area. The plan is therefore on hold.
- 6.11 In light of the above, there is no adopted neighbourhood plan which carries material weight in the decision-making process.

National Planning Guidance

- 6.12 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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.

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

- 6.13 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- National Model Design Code (2021)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- DCLG: Technical housing standards – nationally described space standard (2015)
- Green Infrastructure Planning and Design Guide (2023)

Climate change

- 6.14 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.15 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement

- 7.1 The application is supported by a Statement of Community Involvement (SCI) which outlines the public engagement the applicant undertook prior to their submission. The following is a summary of the engagement undertaken:
- October 2020: Meeting with Councillors and residents group GAIL (Green Alert in Lepton) to discuss the proposal and methods of public engagement.
 - December 2020: consultation leaflet drop delivered to approximately 150 dwellings adjacent to the site.
 - December 2020 – May 2022: website live to access documents relating to the proposal.
 - October 2020 – ongoing: monthly updates to local ward Councillors, GAIL, and Parish Council.
 - November 2021: Meeting at Rowley Hill Club between the applicant, alongside promotes of both HS2 and HS3, local councillors, GAIL, other local representatives, and the Local Planning Authority. This meeting was where the joint masterplan for HS2 and HS3 was presented.

- December 2021: Letter to local residents detailing the joint masterplan and requesting feedback sent. Issued to 2,034 local properties. Copies of the letter also sent to local councillors, GAIL, the Planning Authority, others who'd already expressed an interest, and other local interest groups.
- January 2022: Joint masterplan presented to Kirkburton Parish Council.
- February 2022: Letter inviting local residents (2,034 addresses) to a public consultation event where the masterplan was presented, along with the Phase 1 layout.
- March 2022: The public consultation event took place (7th of March, 1900 – 2100). Display boards of the joint masterplan were presented with the applicant teams for both HS2 and HS3 available for questions. Estimated attendance of 125 people with 43 written responses received.
- Indirect publicity includes articles in the Examiner and the leaflet(s) being published by GAIL on their social media forums.

7.2 Across the various consultations 124 comments were received on the website forum (and email). A further 43 written comments were received at the in-person event. The following are the main issues identified by the applicant, and a summary of their response:

- Highways: Concerns expressed over taking access from Hermitage Park and more generally, pedestrian safety. The applicant notes the Local Plan accepted a level of access via Hermitage Park, with that proposed being limited to circa 25% of HS3's overall expected delivery, and thus contend that proposed is reasonable, as assessed within their Transport Statement, along with other highways arrangements being safe.
- Ecology: Concerns were raised over the development's impact on Lepton Great Wood and local ecology in the wider area. The applicant responds that the development includes a 20m buffer from the Great Wood, along with detailed ecological assessment.
- Flood Risk and Drainage: Concerns were expressed of high levels of surface water run-off following recent storms, and the impact on local drainage networks. The applicant responds that they have undertaken a detailed Flood Risk Assessment which demonstrates that the development would not suffer from flood risk, nor worsen flooding issues elsewhere. A fully detailed surface water and foul water drainage proposal has been provided.
- Other comments included: capacity of local facilities and services, requesting development be kept away from heritage assets, concerns over the impact on existing foul sewerage systems, loss of privacy. The applicant considers all these points to be addressed within their submission.

7.3 The above matters would be considered where relevant within the main assessment.

Public representation to the planning application.

7.4 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

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

7.6 The end date for public comments was the 21st of March 2023. In total, 154 public representations were received in response to the proposal. The following is a summary of the comments received:

Principle and masterplanning

- The applicant's masterplan inadequately details how HS2 and HS3 would be reasonably developed nor allows for a full assessment of the development's implications. This includes: housing provision, air quality, education, health facilities, biodiversity, drainage, and highway / access arrangements.
- Approving this application would harm / prevent an acceptable access being formed from Penistone Road into phases 3 and 4.
- The Council have never demonstrated exceptional circumstances to justify the site's removal from the Green Belt.
- The land is / was Green Belt and should not be built upon.
- The Local Plan is predicated on out-of-date data and methodology for calculating housing supply.
- Brownfield land should be prioritised over developing on greenfield.

Amenity

- Additional traffic on Hermitage Park would harm the amenity of future occupiers.
- The proposal would lead to harmful overbearing / overlooking / overshadowing of neighbouring properties.
- Construction would lead to substantial dust pollution, to the detriment of amenity.
- Drainage is to use a pumping system that would be a noise pollutant.
- The applicant's noise impact assessment states certain units would require noise mitigation measures. Therefore, existing residents are also at risk, and this risk is not adequately addressed. Further noise and vibration investigation works, with a view to prevent harm to existing residents, should be undertaken.

Design and heritage

- The site is of archaeological significance and should not be built upon and 'the curving field boundaries are indicative of medieval strip fields and cropmarks that signify potentially Iron Age or Roman activity (MWY3522)'.
- Views towards Woodsome Hall would be jeopardised by this application. The harm to Woodsome Hall as a heritage asset would be substantial. Other local heritage assets would be harmed by the development.
- The proposal would harm the character and attractiveness of the area, as well as views towards the woods.
- The site is an area of Outstanding Beauty and should not be built upon.
- Reference to a petition for 'referendum for "*Area of Outstanding Natural Beauty Protection of Agbridge Elmet*" which has 1,139 signatures at the time of writing. Another petition, titled 'Save Lepton and Fenay Bridge from Development' with 1,130 signatures on Change.org has been shared with officers.
- The applicant's Heritage Impact Assessment is misleading and incorrect. It inaccurately identifies Crow Trees as being coupled with 8 / 10 Rowley Lane. The HIA states alterations have been made, which is incorrect: recent works have been remedial like for like works.

Highways / access

- Hermitage Park is unsuitable for additional traffic, particularly the level of traffic associated with 80 dwellings. It includes steep sections near the junction, which does not comply with modern highway design standards, specifically being 1 in 8 steepness for 10m+ (modern standards are 1 in 10 steepness). Furthermore, the junction is near a school and Rowley Lane is a busy road.
- K.C. Highways have been inconsistent on how many units they consider should be accessed from Hermitage Park, originally stating none, then 25, then 50, and now 80.
- The proposal would harm the local highway network, which is already over full. Specifically, Penistone Road and Rowley Lane.
- There are poor sightlines at the junction between Hermitage Park and Rowley Lane.
- The proposed sightlines improvements at the Hermitage Park / Rowley Lane junction require excavations that would impact upon adjacent land. It is unclear what trees may be removed etc.
- The applicant does not own the land where the Hermitage Park / Rowley Lane sightlines improvements would be, therefore preventing it being implementable.
- The applicant should provide a pavement along the entire southern side of Rowley Lane to promote pedestrian movements and highway safety.
- No consideration has been given to the unadopted road circa 6m below Hermitage Park, which serves seven houses. Historic applications for more houses off the unadopted road have required sightline improvements.

- Due to the steepness of Hermitage Park, it is dangerous in adverse weather, particularly snow / ice.
- No access should be taken from Hermitage Park: guidance states cul-de-sac developments should be avoided. If not having a through route, then no access should be taken from Hermitage Park.
- Construction traffic would cause issues, with circa 50 vehicle movements on Hermitage Road a day for two years. Construction would also affect Lepton Great Wood.
- Insufficient details are provided to understand the impacts on the Public Rights of Way crossing the site.
- The gate into the site from Hermitage Park is new, it has only been installed recently. Access into the site has historically been via Hermitage Farm.
- King James's High School is over 3.5km from the site, with access being via dangerous roads.
- Bus frequency towards Huddersfield / shops are limited.

Drainage

- Debris from the woods often blocks little local streams / culverts, and flood this land. Where would the water go if dwellings are there?
- The proposal would result in increased flooding through water runoff down the hill. The proposal would exacerbate existing flooding issues in the area.
- The use of attenuation basins is a flood and health risk. It would affect existing water flows downstream and result in pollution.

Ecology and trees

- Trenches have been dug close to the woodland as part of investigation works for this application. Trees have recently been damaged and have become diseased.
- Lepton Great Wood was previously untouched but has recently been used as a bike track, with recent damage evident. This demonstrates human impact is already significant and would be made worse.
- Trees and hedgerow in and around the site, including part of Lepton Great Wood, have recently been felled or cut. This has taken place within the bird breeding season, against rules set out in the Wildlife and Countryside Act 1981.
- The site is a Site of Special Scientific Interest (SSSI) and should not be built upon.
- The buffer zone to the trees, 15m (20m to housing) is insufficient.
- The proposal would lead to harm to Lepton Great Wood through bringing human habitation closer, displacing wildlife, with effects such as tipping, planting of invasive species, and pets causing issues. Policy dictates that loss or deterioration of irreplaceable habitats should be refused.
- Human habitation is already causing issues for Lepton Great Wood through pollution, vandalism, and water runoff.
- The application site, the grassland, has a symbiotic relationship with the woodland. If you remove the grassland the Ancient Woodland would suffer and die.

- Various protection and non-protected local species use the site and Lepton Great Wood. The proposal would harm their ability to live in the area, with unknown impacts upon wider ecology.
- In the Local Plan's Sustainability Appraisal, it was identified that the allocation 'is likely to have a significant effect on the Sustainability Appraisal objectives', specifically 'maximise opportunities to protect and enhance biodiversity and geodiversity', although this is noted to include an element of uncertainty due to lacking data at the time.
- The application site is a meadow, a rare and endangered habitat in the country.
- The proposal would result in a substantial loss of habitat and harm local species who need this land.
- National policy seeks to support tree planting, but these are often poor quality and monoculture. To harm an established valuable woodland of high ecological value is therefore contrary to objectives.
- The applicant's proposed informative for residents on the Great Wood is insufficient and would fail to prevent ecological harm.
- The farmland has had slurry dumped on it which has affected its ecological value, and bleeding into Beldon Brook. This was to prepare for the application.
- Government guidance states that larger than 20m buffer zones may be required where 'surrounding area is less densely wooded, close to residential areas, and steeply sloped', with this site reflecting all three.

Other

- The ward is identified as having a deficiency of amenity green space, which the proposal would exacerbate.
- There are no options for self-build or modern method of construction, such as passivhaus.
- The applicant should provide upfront details on the build specifications of the proposed dwellings, specifically their energy efficiency credentials / methods of promoting energy effectiveness. The Council has declared a climate emergency and thus should demand this information.
- K.C. Education have failed to consider cumulative developments and underestimated the required education contribution.
- Local schools have inadequate spaces and cannot accommodate more children.
- Local infrastructure, such as schools and doctors, is oversubscribed.
- Local shops are limited.
- Concerns that Councillors have historically said the site has no scenic value.
- The proposals do not include plans on boundary treatment between the site and neighbouring properties.
- There is a food crisis; the loss of farmland would exacerbate this.
- The loss of greenfield / natural land would harm local air quality.
- The proposal, including the various consultations already undertaken, have affected local resident's Human Rights, specifically 'peaceful enjoyment'. Consultations have been an excessive nuisance, particularly as no acceptable progress has been made.

7.7 The site falls within the Kirkburton Parish Ward, who provided the following comments on the proposal:

The Parish Council strongly objects to the proposed development on the following grounds:

- *Green Belt: It is inappropriate development in the Green Belt, for which no special circumstances have been demonstrated.*
- *Highways: There is only one access into the proposed development, which is via Hermitage Park, a small road leading onto Rowley Hill, just below the school and by a sharp bend. It would be inappropriate for use by 100+ vehicles. This area is also used for school parking.*

Additionally, there is already an access problem with the Rowley Lane junctions both onto Penistone Road and onto Wakefield Road.

- *Infrastructure: The doctors, schools and other services are over-subscribed.*
- *Other Developments: There are several other large developments in close proximity to the site, which have already received planning permission.*
- *Loss of Amenity: The paths where the development would take place are very well used by the local residents.*
- *Close Proximity to Lepton Great Wood: The proposed development begins 20m from the edge of the Wood, but Guidance states that the minimum distance should be 50m.*
- *Overdevelopment of the Site: If Committee is minded to approve the application, the Parish Council would like to see a reduction in the number of dwellings.*

Other issues include a tendency for the area to flood, and it is sited above old mine workings, all of which make it unsuitable for the proposed development.

7.8 The site is within Almondbury ward. The local ward Councillors are Cllr Paola Davies, Cllr Bernard McGuin, and Cllr Alison Munro. Cllr Alison Munro has made several representations (in objection to the proposals), with the following summary provided:

- World Health Organisation limits on air pollution are being exceeded, with the WHO website stating 'DEMAND ACTION' for the area.
- The Local Plan is based on out-of-date data sets and out-of-date formulae for calculating housing needs. Therefore, it should be re-reviewed.
- Piecemeal development should not be allowed.
- The masterplan provided fails to comply with Local Plan policy expectations.

- The masterplan does not create a strong sense of place, and would in fact harm the character and setting of the area. It would harm views towards Woodsome Hall.
- Building on greenfield is detrimental to people's health and wellbeing.
- The masterplan does not include plans for recreation centres or sports provision.
- The House of Lords sought an amendment to the environment bill requiring a 50m buffer zone from development to ancient woodland.
- Request clarification how the proposal would prevent future residents accessing Lepton Great Wood and causing damage. Also, clarification on how the proposal would impact the Beldon Brook eco-wildlife corridor.
- The site has shallow coal works underground and gas issues which must be addressed prior to determination.
- Reports on noise pollution, GP surgeries, dentistry surgeries ecological impacts, pollution, air quality and traffic movement that consider the cumulative impacts of development at HS1, HS2 and HS3 should be provided. These should be reviewed by independent experts.
- The delivery of the roundabout is uncertain; therefore, questions exist over how these 80 units could be accommodated on Rowley Lane as existing.
- The proposal ignores main modifications 43 and 46 made by the Local Plan Inspector to make the plan sound.
- Hermitage Park is inadequate to serve an additional 80 dwellings. Furthermore, the Hermitage Park / Rowley Lane junction is just by a bend and causes chaos at school peak times.
- Methods to promote sustainable travel are aspirational only, and insufficient definitive methods have been provided. This should include improvements for the community.
- Archaeological surveys must be done to determine what value the site has as a heritage asset. Records indicate the medieval settlement of Greave House is near.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Environment Agency: No response received.

Historic England: No objection to the current application, specifically the matters of the outline permission, and layout and access specifics. Further study would be required when the reserved matters of scale, appearance, and landscaping are under consideration. However, concerns have been expressed over the masterplan, specifically relating to the point of access to phases 1, 3, and 4 from Penistone Road. Concern is held regarding the impact this would have upon nearby heritage assets, specifically the Grade I listed Woodsome Hall and the Grade II listed 1 Woodsome Road, and more generally the rural character of this part of the site.

K.C. Highways: No objection subject to conditions and Section 106 agreement for sustainable travel provisions.

K.C. LLFA: No objection, subject to conditions and Section 106 agreement relating to drainage management and maintenance.

The Coal Authority: No objections subject to conditions relating to remediation associated with coal legacy.

Yorkshire Water: No objections subject to conditions relating to surface water and foul drainage.

8.2 **Non-statutory**

K.C. Conservation and Design: Have undertaken a review of the applicant's Heritage Impact Assessment, as well as considering whether any other heritage assets within the area would be impacted upon. In summary they have no objection to the proposal.

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

K.C. Ecology: The application is supported by adequate survey work to determine the site's ecological value and consider the proposal's likely impacts. Appropriate mitigation and enhancements are demonstrated, along with demonstrating that 10% ecological net gain may be secured. No objection subject to conditions.

K.C. Education: Contribution of £225,821 required for the proposed 80 units towards Rowley Lane Junior, Infant and Nursery School and King James' School.

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

K.C. Landscape: Provided advice throughout the life of the application, although it should be noted that (following amendments) Landscaping is now a reserved matter. Provided commentary on the required Public Open Space contribution. A development of 80 units is required to provide either 9761.60sqm of Public Open Space (split across the typologies), an off-site contribution of £186,887, or a mixture of the two.

K.C. PROW: No objection subject to conditions relating to the PROW crossing the site. Advised two DMMO applications have been received for claimed paths across the site, with advice on such matters provided.

K.C. Public Health: The application is supported by a Health Impact Assessment that K.C. Public Health have reviewed and provided advice on. No objection to the proposal, although advice is offered on further ways to support public health initiatives.

K.C. Strategic Housing: Advice on affordable housing contribution provided.

K.C. Trees: Have followed the standing advice from the Forestry Commission. Expressed initial concerns over the central road requiring the removal of a tree within the site. It was considered this could be avoided. This was raised with the applicant and an amended plan provided which achieved the tree being retained. No concerns relating to the proposal's impact on Lepton Great Wood. No objection to the proposal subject to condition.

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

West Yorkshire Archaeology Advice Service (WYAAS): Requested an archaeological evaluation be undertaken. This has been done, with WYAAS satisfied that the site is of low significance and no further works, or conditions, are required.

West Yorkshire Metro: Advised a contribution of £40,920 for Metro-cards is required to promote sustainable travel.

The Woodland Trust: Hold concerns over the proposed development, '*on the basis of potential deterioration and detrimental impact to Lepton Great Wood*'. The following list of specific concerns are provided:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Development can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland.
- When land use is intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

Amongst various proposed mitigation measures, the Woodland Trust recommends a 50m buffer zone between development and the Ancient Woodland, adding that "*This is backed up by Natural England and Forestry Commission's standing advice which states that 'the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.'*"

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Other matters
- Planning obligations
- Representations

10.0 APPRAISAL

Principle of development

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

Land allocation and residential development

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.3 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council would seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.4 It is recognised that the site is greenfield rather than brownfield. However, the allocation of this land and other greenfield sites through the Local Plan process was based upon a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing. It was found to be an appropriate basis for the planning of the Borough by the Inspector. Whilst the Kirklees Local Plan strongly encourages the use of brownfield land, some development on greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, whilst the effective use of land by reusing brownfield land is also encouraged within the NPPF, the development of greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.5 The site falls within a housing allocation, reference HS3, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is appropriate at the site. However, the Local Plan allocation requires any applications within the site to be informed by a Masterplan which covers the combined residential development of allocations HS2 and HS3.
- 10.6 The application is supported by the required joint Masterplan, a document which has previously been reviewed by committee as part of application 2020/92307 that covered phase 1 of the masterplan development (with this application being phase 2). While application 2020/92307 was approved at committee on the 8th of December 2022, the decision notice has not been issued pending the Section 106 agreement being completed and signed. The following is an overview of the masterplan, as set out within 2020/92307 but updated where necessary to reflect the current application.

The masterplan for HS2 and HS3

- 10.7 The masterplan has been drafted between the (different) landowners of HS2 and HS3, in consultation with local groups and stakeholders. The masterplan splits the allocations into four phases;
- Phase 1: the first half of HS2, to be accessed from Rowley Lane, to host up to 75 dwellings. Submitted via 2020/92307 and approved at Strategic Planning Committee 8th of December 2022. The issue of the decision notice is pending the Section 106 agreement being completed.
 - Phase 2: **This application**. Consisting of the north-east portion of allocation HS3, to be accessed from Hermitage Park (itself accessed from Rowley Lane). To host up to 80 dwellings. This would not allow vehicle access into the remainder of the allocation.
 - Phase 3: The remainder of HS2, to the east of the current application (phase 1) site. Approximately 100 – 200 dwellings. To be accessed via a new roundabout from Penistone Road and road past Phase 1.
 - Phase 4: The remainder of HS3, to the west of Phase 2. Approximately 140 – 230 dwellings. Also be accessed via the new roundabout from Penistone Road and road past Phase 1.

- 10.8 Masterplans set the vision and implementation strategy for a development. Careful master-planning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure. It is also useful for the prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.9 HS2 consists of the planned Phase 1 and Phase 3, while HS3 consists of Phase 2 and 4. The phasing plan details that these are intended to be delivered sequentially. In terms of access arrangements, Phase 1 would be accessed via Rowley Lane, while Phase 2 (this application) would be accessed via Hermitage Park, off Rowley Lane. These two phases would be limited to 155 units, and include capacity improvements to Rowley Lane in accordance with the capacity study undertaken as part of the Local Plan.
- 10.10 Likewise in accordance with the assessment made at Local Plan stage, phases 3 and 4 would be accessed via new highway infrastructure from Penistone Road. This has been indicatively designed as a roundabout, and would include the re-alignment of Rowley Lane. Sufficient detail has been provided on the roundabout to demonstrate it is a feasible design approach. To ensure the financial burden of the roundabout is not unduly left to phases 3 and 4 (that require its provision to be delivered), in accordance with masterplanning principles officers have sought to secure a proportional contribution towards the roundabout's cost from the developers of Phase 1 and Phase 2. Based on the applicant's calculations for the roundabout, for Phase 2 this would amount to £422,224. This contribution has been agreed to be secured via a Section 106 agreement, however, given this has been calculated by the applicant, officers sought to include an overage clause, which would allow the LPA to seek additional funds, should the roundabout be more expensive than calculated. This obligation would run with the developer (not individual property owners, after the dwellings are sold). This has also been agreed to.
- 10.11 The masterplan has achieved the key objective of demonstrating how the delivery and phasing of the combined allocations of HS2 and HS3 would be managed.
- 10.12 Another purpose of the masterplan is to consider the constraints of HS2 and HS3, and respond to them accordingly. While parts of the allocation include land in Flood Zone 2 and 3, the masterplan has designed around these and ensured all units would be sited in Flood Zone 1. Concepts for combined drainage have been considered, including points of discharge; that shown is not opposed in principle, although the arrangements would need to be assessed in greater as each phase comes forward. Parameters for retaining appropriate distance to Lepton Great Wood are detailed, as well as identifying non-development areas on ecological and heritage grounds.
- 10.13 Progressing to the high-level proposed designs, the masterplan demonstrates an indicative layout for the development, demonstrating routes of movement for vehicles, pedestrians, and cyclists. That provided establishes a strong network of interconnected streets and public spaces, both within the site and onto existing outside network, including the several PROWs within the allocations or adjacent to them. The proposed roads follow the transport

hierarchy by prioritising pedestrian movements. For access, the masterplan includes demonstrating that Phase 1 and Phase 2 would not be accessible from Phases 3 and 4 for vehicles. Notably, this means that there would be no through-route between Penistone Road and Hermitage Park.

- 10.14 In terms of design, the Masterplan shows a highway hierarchy and it designates areas for dwellings and public open space. Green infrastructure, including recreational and exercise areas, are reasonably spaced around the site, ensuring both future occupiers and those in the wider area have access to new open space. While these are not defined as per the typologies identified within the Council's Open Space SPD, it is evident that due regard has been given to different forms of open space. Consideration of the specifics of each typology is appropriate at dedicated application stage.
- 10.15 The masterplan outlines a design code for future dwellings, seeking to respond to local architectural character. The design code defines several different design areas within the site, establishing core design parameters for each area. While each application would need to go into greater detail of the respective design, the parameters established would ensure a development which is of high quality, attractive, and fits into the established character of the area which would create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness.
- 10.16 On the matter of infrastructure and planning obligations, as has been detailed the masterplan directly addresses required highway improvements. Each phase of development would exceed the relevant triggers for affordable housing and education, and therefore provide their own contribution at application stage. As noted, Public Open Space across the site has been considered and recognised, but again this would need to be considered on a per-application basis as each phase comes forward. Likewise, matters of net gain and ecology would be addressed at a per application level and cannot be masterplanned for.
- 10.17 Paragraph 6.25 of the Local Plan states the following objectives of masterplans:
- In broad terms, masterplans provide design guidance for areas that are likely to undergo some form of change. They would describe and map the overall vision and concept for the proposed development including proposed land uses, urban design, landscaping, built form, movement and access and infrastructure and service provision providing a clear and cohesive framework for development. They would also set out the intended implementation and phasing of development.*
- 10.18 Officers are satisfied that the submitted masterplan complies with the above expectations, and with Policy LP5 of the Kirklees Local Plan. The proposed masterplan for HS2 and HS3 is considered to demonstrate how a high-quality development may be effectively and efficiently undertaken at the allocated sites, establishing strong design parameters for future phases, and how it would suitably harmonise into the character of the area.

Quantum of development

- 10.19 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.20 First considering density, due regard must be given to the developable land. While the Local Plan included high level 'net developable areas', a further assessment is required at application stage. An area of land behind the Grade 2 Listed Grow Trees has been kept clear of development, in the interest of protecting its heritage value. The open space higher within the is also to be kept undeveloped, to protect views to and from the Grade 1 Listed Woodsome Hall (considered further in paragraphs 10.48 – 10.55) as well as to retain the existing tree-belt crossing the site (several of which benefit from TPOs), as development between them is unlikely to be festival without their partial or complete loss. Finally, the 15m buffer zone is deemed undevelopable, in accordance with national guidance.
- 10.21 Excluding these areas, the site is deemed to have a developable area of circa 3.25ha. At 80 dwellings the proposal therefore has a density of 24.6 dwellings per ha, notably below the expected 35 dwellings per ha. However, the 35 dwellings per ha target is 'where appropriate'. The proposed density and layout are considered to reflect that evident elsewhere within the immediate area and responds to local character, whereas higher density would likely appear incongruous. Furthermore, for highway reasons outlined in paragraph 10.72 – 10.92, officers would not support a greater number of units being accessed from Hermitage Park. As such, the proposal is not considered contrary to the aims and objectives of Policy LP7 in relation to density and is not considered to be an inefficient use of land, given the relevant considerations.
- 10.22 Regarding housing mix, Local Plan policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). However, as the Council's Affordable Housing and Housing Mix SPD (March 2023) was only adopted towards the end of the life of this application, reasonable transitional arrangements are required and full adherence to all guidance within the SPD cannot reasonably be expected.
- 10.23 The following is the SPD expectation, for information purposes, against that proposed:

	SPD Expected Mix (Huddersfield South)	Proposed Mix
1- and 2-beds	30 – 60%	15 (18.75%)
3-beds	25 – 45%	34 (42.5%)
4-beds +	15 – 35%	31 (38.75%)

As is evident, the proposal does not conform to the recently adopted SPD's expectations. However, negotiations between the applicant and officers on the housing mixture were predicated on the older Strategic Housing Market Assessment (SHMA). Initially the proposal sought 50 (62.5%) 4-bed units, which negotiations has substantially reduced. The proposal as amended is deemed to comply with the SHMA's expectations, prior to the new expectations of the SPD being adoption. Given this, officers do not consider the proposal contradictory to the aims of policy LP11 in terms of housing unit size mix.

- 10.24 In light of the above, while the proposal has a lower than may be expected density, this is considered to be justified and the housing mix is deemed to comply with only recently-superseded guidance. Accordingly, the proposal is deemed to be an effective and efficient use of the housing allocation.

Sustainable development and climate change

- 10.25 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.26 The site is within the urban envelope, albeit on the edge of it. Nonetheless the site is considered a location sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Bus stops adjacent to the site give reasonable access to the district centre of Huddersfield, and the smaller centre of Waterloo. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.27 Regarding the social infrastructure currently provided and available in Lepton (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.
- 10.28 Subject to further details that would be submitted at Reserved Matters stage it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to local facilities, and the measures related to transport that can be put in place by developers. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban Design

- 10.29 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide SPD and the National Design Guide.
- 10.30 The application is in outline, with layout and access as considerations. The matters of appearance, scale, and landscaping are reserved for a subsequent Reserved Matters application. While specific details are not available for consideration, officers must consider whether any prohibitive reasons exist why appropriate details could not be provided later.
- 10.31 The site is an undeveloped greenfield site which is visually attractive, with views into the site achievable from near and far vistas. Nonetheless, in allocating the site through the Local Plan process, careful consideration was given to the loss of these attributes, and to the wider visual and landscape impacts of development at this site. In commenting about the site's removal from the green belt, the Inspector stated:

the sites are well contained by physical features, including residential development, Penistone Road, Lepton Great Wood and Beldon Brook and field boundaries. Despite the size of the sites, strong defensible Green Belt boundaries could be achieved, helping to safeguard the adjoining countryside from encroachment. A clear boundary does not exist at the point adjoining the disused railway line; however, as this area is small it would be possible to facilitate a new defensible boundary with suitable landscaping linking the existing field boundaries. The sites can be seen from Penistone Road and in longer distance views, but tree cover and topography provides an element of screening, and development would be seen from the south as an extension of the urban area. Although there would be some reduction in the gap between Huddersfield and Highburton, Beldon Brook and field boundaries provide a clear defensible boundary, and existing tree cover coupled with appropriate scheme landscaping and layout could achieve an attractive edge.

- 10.32 While principally relating to green belt loss, it established context for the visual impact. Notwithstanding the Inspector's comments on defensible boundaries, the site is on the edge of the urban environment, transitioning into the open rural environment. Furthermore, as a sloped site on a valley side the development would be visible from short- and long-distance vistas. Inevitably, the development of the site from greenfield to a residential estate would be transformative and would have impacts upon the appearance of the environment; therefore, a carefully-considered design is required.
- 10.33 First considering layout, which is a material consideration for this application, Local Plan policy LP24 states that a proposal's layout should respect and enhance the character of the townscape, heritage assets and landscape.
- 10.34 Initially the proposal included a substantial (65.5%) provision of 4-bed detached units, which resulted in a cramped and unattractive layout. Following negotiations, a higher proportion of smaller units, enabling greater spacing between units, has been secured. Dwellings would be arranged around the road in a typical fashion and would be, as amended, well-spaced in relation to

one another, both within the site and to neighboring properties. Parking spaces would be an appropriate mix of to the front and to the side of units, with most units having some form of front garden, preventing overly dominant hard surfacing to the front of units.

- 10.35 The layout has been designed to retain the vast majority of trees within the site, notably the two tree belts running centrally east to west. Paragraph 10.124 onwards sets out commentary relevant to Lepton Great Wood.
- 10.36 In terms of the wider area, the layout of Lepton is defined by tightly-knit development rising up the hillside. While the density of the proposed development would not be as high as elsewhere in Lepton, overall, the layout would reflect the characteristics seen elsewhere in the locality.
- 10.37 In terms of conformity to the masterplan, the layout reflects the design codes submitted. Units adjacent to Lepton Great Wood would comply with the 'Woodland Edge' character, those along the main spine road the 'Spine Road' character, and others the 'internal' character.
- 10.38 Overall, the submitted layout is considered acceptable from a design perspective and would enable the development to both respect and enhance the landscape.
- 10.39 The details of layout include house types, which is considered in terms of size mix (2-bed, 3-bed etc) in paragraph 10.23 of this committee report. In terms of form, the units would be a mixture of semi-detached and detached, across five house types. No terrace units are proposed. The area has a mixture of house forms, with semi-detached and detached being most prominent. The proposal not including terraced units would not cause it to appear incongruous in relation to its context.
- 10.40 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. However, design code details have been provided within the masterplan, as outlined in paragraph 10.15. Existing dwellings in the area have varied designs, although are typically based upon traditional Pennine architecture. The indicative design code details demonstrate a high quality of development which would reflect the aesthetics of the wider area. As such there are no concerns that attractive designs for the dwellings and external areas which harmonise with the area could not be achieved.
- 10.41 It is accepted that typography would be a challenge for the site, given its existing levels. Nonetheless, Lepton is characterised as a settlement built upon a hillside. While a levels strategy has been provided, it is deemed to be indicative (with it stating 'the proposed levels are subject to detailed design refinements +/- 1.00m change') although it demonstrates existing ground levels would be mostly respected and not increased, with retaining walls forming plateaus that excavate as opposed to build up the ground. A condition for full level details at Reserved Matters stage (landscape, scale, appearance) to enable a full detailed assessment of how topography features alongside the reserved matters is proposed. Based on the details submitted and based on Lepton's established setting, there are no concerns that an appropriate design response to the site's levels could not be realised.

- 10.42 In terms of landscaping, full specifications (i.e., paths, planting specifications etc) would be provided at reserved matters stage. However, officers welcome that substantial portions of the site have been set aside as Public Open Space (due to some areas being undevelopable, as per paragraph 10.20) and would contribute to an attractive natural environment through the centre of the development. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage (landscape). The proposed access road has been designed with street trees in mind, the provision of which is expected at Reserved Matters (landscape) stage.
- 10.43 In summary, it is acknowledged that the proposed works would notably change the character and appearance of the site and wider area, while being visible from long vistas within the valley and the opposite valley side. Nonetheless, while an outline proposal with only layout as a consideration, the material details provided are considered to be well designed to a high standard.
- 10.44 Given the above considerations, officers are satisfied that there are no probative reasons why appropriate details of landscape, scale, or appearance could not be provided at reserved matters stage. The proposal would represent an attractive continuation of the site's residential context, while appropriately transitioning to the rural landscape to the east. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2, LP5, and LP24 of the KLP, and Chapter 12 of the NPPF.

Historic Environment

- 10.45 There are various heritage assets within the surrounding area. Of these, the following are considered most relevant to the proposal: Woodsome Hall (Grade 1 Listed), which has two Grade 2 Listed outbuildings, and Crow Trees (Grade 2 Listed). The site is not within a Conservation Area. Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.46 First considering Crow Trees, the bounded field to the south (part of the application site) has been identified as holding 'moderate' significance to the listed building. The adjoining field to the east was assessed as having 'slight' significance in providing a rural backdrop to the asset. In their comments, the Local Plan inspector stated:

173. The Council's HIA identifies that part of site H2730a is of moderate significance for the setting of the listed building 'Crow Trees'. Site capacity allows scope for this area to be retained as open land. Accordingly, in order to avoid harm to setting the policy should be modified to specify that no development should take place in this area (SD2-MM46) and require the retention of the historic field boundaries, public footpath and protected trees to the south of Crow Trees which are also identified as significant to the asset (SD2-MM45, SD2-MM46).

- 10.47 As proposed, land immediately to its south is to be kept undeveloped as set out by the Inspector. Therefore, the immediate setting of Crow Trees would not be impacted. While the development would be visible alongside Crow Trees from other angles / distances, this would not cause material harm to its setting, which is established to be alongside existing development. As such, the proposal is considered to have a neutral impact on Crow Trees. Suitable boundary treatment between the open space and the dwelling, if proposed, would be required at Reserved Matters stage.
- 10.48 Considering Woodsome Hall, the following overview of the building's heritage value has been provided by K.C. Conservation and Design.

Woodsome has been the site of a high-status dwelling since the 13th century, a moated house is known to have existed on the site, but its location and extent are unknown. Woodsome Hall is an extremely fine and well-preserved example of a gentlemen's residence of the early 16th to mid-17th centuries. The house was built in stages for the Kaye family and encased in stone in the 17th century. The principal rooms face east across the valley. The much-altered south service wing may retain fabric of an earlier south facing house. The Kayes occupied Woodsome from 1378 to 1726 when Sir Arthur Kaye died. His daughter married George Legge (Viscount Lewisham) eldest son of the Earl of Dartmouth. The hall was restored and altered in 1870-6 by the 5th Earl of Dartmouth. This family occupied the house until 1911. From 1922 the Hall became the home of the Woodsome Hall Golf Club.

The landscaping of the immediate setting of the Hall strongly reflects its current use as a golf course. The private papers of the Kaye family reveal the extensive works undertaken in the 16th century to transform the landscape around the house. Woodlands were cleared, stone removed from the earth, boundary walls built, and the soil improved with lime. New farmsteads were established to increase rents and productivity.

The submitted heritage statement notes that "whilst it has been claimed that the parkland surrounding the Hall was designed by the celebrated 18th century landscape architect Lancelot 'Capability' Brown... this remains unproven and the veracity of the claim has been questioned." This assessment is of the link to Capability Brown is not disputed.

A deer park is referred to in the 16th century, but its extent is unknown, and it was disparked and the land put to other uses by 1733. The 1843 and 1855 OS Maps show a clearly bounded rectangular area of parkland to the east of the Hall, framed by woodland at its eastern end. This may be a legacy of that earlier deer park and has influenced the layout of the modern golf course (holes 1 and 2) to this day. The woodland was been extended westwards towards the Hall and this now frames views from the principal ground floor and first floor rooms of the club house as well as from its front terrace and lawn and the tees of holes 1 and 2. These areas with close visual relationships with the front elevation and principal rooms are all critical to the setting of the Hall.

The way in which the Hall is approached has changed markedly over time, this is set out in some detail in the submitted heritage statement. The approach from Penistone Road across Woodsome Road Bridge up

to the modern entrance to the golf club has been altered but still has historic associations with the Hall and is therefore considered to form part of its setting. The tree lined avenue from Woodsome Road to the Hall has defined the way in which it has been experienced for the last 150 years or more and contributes to its setting.

The surviving rural landscape of Woodsome Hall beyond the current boundaries of the golf club to the east contributes to its setting. This includes the allocations HS2 and HS3 and Lepton Great Wood. The Hall was the centre of an extensive and productive rural estate that included Woodsome Mill and a number of farms. There is no evidence that land to the east of Penistone Road was landscaped to improve views from the Hall, but it is an important part of the way in which it is experienced and reveals the productive nature of the land associated with the Hall. The principle rooms of the Hall all face east across the valley, the terrace and front lawn and the tees of Holes 1 and 2 also provide key viewpoints that all look eastwards. The tree planting of the golf course, which is a legacy and extension of the historic planting shown on early OS maps, contains the view and naturally leads the eye out to that surviving rural landscape. Deciduous trees partly obscure views to that landscape during spring and summer, most notably to the allocation HS2.

To a limited degree, modern development has encroached on views eastwards. The heritage statement notes that 'the views from the Hall have not remained static, and were far more industrialised during the 19th and 20th centuries industrial development'. Whilst this is correct, the western part of allocation HS2 and the allocation HS3 has never been developed. With the exception of the railway line, those parts that were developed for industry in the 19th and 20th centuries have already been redeveloped, except for the eastern part of HS2, which is not visible in key views from Woodsome Hall. It appears that whilst the Kayes and later the Lords of Dartmouth were resident at Woodsome they were keen to develop the productivity of their estate but not unduly industrialise the view from their home.

- 10.49 With consideration of the site's heritage value undertaken, due regard must be given to how the new development would affect it.
- 10.50 The proposed development would not be prominently visible alongside Woodsome Hall. Views of the development and Woodsome Hall would be limited, principally from higher ground to the east of the site which overlook the development and retain a clear view of the hall. Consideration must also be given to the outlook from the hall. As noted above, the east view from Woodsome is its principal outlook over the valley.
- 10.51 Within the Report on the Examination of the Kirklees Publication Draft Local Plan, the inspector stated on HS2 and HS3:

174. Neither site [HS2 or HS3] is identified in the Castle Hill Setting Study (2016) as significant to its setting. As seen on my site visit, and as shown in submitted photographic evidence, the sites are visible from the grounds of the listed building of Woodsome Hall. Historic England has indicated that the allocation sites can also be seen from rooms within the Hall. However, there is a considerable distance between the Hall and the Lepton sites, and the sites are viewed as part of a wide

vista which includes developed and open areas. Trees also provide some screening. Evidence from Historic England does not identify a clear connection between the Hall and Capability Brown. Taking account of these factors I conclude that any harm to the Hall or its setting would be limited, and could be mitigated through appropriate landscaping and layout. In reaching my conclusions I have taken account of comments received after the hearing session, in response to the submitted photographs. In order to provide appropriate protection for the historic environment I have amended the wording of published SD2-MM46 to refer to heritage assets, rather than just Crow Trees

10.52 The following is extracted from the applicant's Heritage Impact Assessment:

In accordance with guidance given by the Inspector in respect of the Local Plan examination, it is considered that the proposed development layout and landscape treatment would mitigate and remove any potential harm to the setting of the Hall. This includes the provision of a large landscape buffer within the central area of the site, extending to the east, and areas of development set-back from Lepton Great Wood. Tree planting within and to the western boundary of the site would also serve to screen and filter views from the west and establish a woodland edge to the development. Areas of significance within the eastern more elevated section of the proposed public open space which allows for longer distance views and vistas ROWLEY LANE, LEPTON BUILT HERITAGE STATEMENT APRIL. 2022 18 over the landscape to the west towards Woodsome Hall would be retained. As such no development impacts upon the setting to the Hall are anticipated.

10.53 K.C. Conservation and Design have stated that:

There are clear views and site lines from the Hall onto the site and the reverse. This is noted within the [applicant's] HIA. The statement sets out that mitigation measures have been in place including the use of planting and landscaping. While we consider that mitigation has been considered there would be harm to the wider setting of the Woodsome Hall. The harm would be less than substantial and as set out under Policy 202 of the NPPF the impacts should be weighed against the Public Benefits

10.54 Weighing the above and giving due regard to the heritage value of the building, officers are satisfied that the proposed development of the site for 80 units, with the proposed layout, would not cause substantial harm to Woodsome Hall as a heritage asset. The development would not affect its fabric, nor how it appears in its own setting, but would affect important outlooks from the hall. Given that the eastern view already hosts encroaching development, given the separation distance, and given intervening vegetation, officers are satisfied that the development of the site would not intrinsically cause substantial harm to the identified heritage value.

10.55 However, any development within the site, due to its historic connection with Woodsome Hall, would cause a degree of harm through eroding part of its setting. A low level of harm, considered to be less than substantial as per 202 of the NPPF, would result. This harm would outweighed by the public benefits of the proposed development, but would nonetheless need to be considered further at Reserved Matters stage, where details of the appearance, scale,

and landscaping of the development would be reviewed in greater detail. In this case ensuring appropriate landscaping to include buffer planting would be expected.

- 10.56 Given known need and shortfalls, the proposed delivery of residential development is considered a substantial public benefit. The proposal would be secured with a full complement of Section 106 obligations, which would mitigate the impacts of the development but would also benefit the public. Planning conditions are recommended to ensure high quality development is delivered.
- 10.57 The site is also recognised to have potential archaeological interest. However, as part of the application an Archaeological Survey has been undertaken and reviewed by the West Yorkshire Archaeological Advice Service (WYAAS). WYAAS has stated that the report 'has shown the site to have a low archaeological significance and low potential to increase our knowledge in the area'. WYAAS therefore offer no objection to the proposal, with no conditions requested.
- 10.58 The site is within a sensitive historic environment. While it is accepted the development would, inevitably, cause less than substantial harm to Woodsome Hall, this would be outweighed by the public benefits of the proposal. Giving due regard to Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 and the general duty it imposes in respect of listed buildings, the requirements of Chapter 16 of the NPPF, and LP35 of the Kirklees Local Plan, officers are satisfied that the proposal complies with these policies and would not cause substantial (or unacceptable residual) harm to the historic environment.

Residential Amenity

- 10.59 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.
- 10.60 Neighbouring properties border the site to the north and north-west, with the properties lining Rowley Lane and Hermitage Park.
- 10.61 Given that scale and appearance are reserved matters, full details of the proposals are not under consideration at this time. However, layout details are under consideration, and these establish separation distances. Furthermore, due regard can be given to whether any prohibitive issues exist that would prevent appropriate and reasonable details for scale and appearance coming forward.
- 10.62 All separation distances comply with the minimums outlined within the Housebuilders Design Guide SPD, namely 21m between facing habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions). However, as set out within the SPD, due regard must be given to whether topographical differences necessitate a greater distance than the minimum.

- 10.63 First considering the properties on Hermitage Park, while land levels raise within the site, they are gentle at first, where the new properties would be sited. Therefore, floor levels and heights between the new units and those on Hermitage Park are not expected to be materially different, thus not warrant greater than typical minimum separation distances.
- 10.64 The properties on Rowley Lane are on a notably lower ground level than the application site, and therefore would be lower than the units that would be adjacent to them. However, the proposed dwellings would have a greater than minimum separation distances, with the lowest distance being 22.2m but typically greater. There is one exemption to this, 32 Rowley Lane, at 19.7m, however the window in question is within an extension, therefore exempt from the SPD's separation distance, and serves a non-habitable room. A separation distance of 19.7m between an extension and new building is not deemed unreasonable.
- 10.65 As an extreme case, 26 Rowley Lane and the attached terrace row are on a substantially lower ground level than the application site, with a retaining wall circa 5.8m in height on the shared boundary. A cross sectional plan has been provided showing the relationship between 26 Rowley Lane and plot 4 (height indicative). There is a 24.7m separation distance between them. Given that all of the level difference is in the retaining wall, plot 26's outlook is predominantly straight onto the retaining wall (as opposed to sloped land leading up to the new dwelling). The new dwelling, at the given separation distance, is not expected to cause materially harmful overlooking and would not be overbearing.
- 10.66 While a levels strategy has been provided, it is deemed to be indicative (with it stating 'the proposed levels are subject to detailed design refinements +/- 1.00m change') although it demonstrates existing ground levels would be mostly respected and not increased, with retaining walls forming plateaus that excavate as opposed to build up the ground. Based on the demonstrated separation distances and indicative finished floor levels provided, officers are satisfied that the proposed layout would not lead to harmful overbearing, overshadowing or overlooking. This is subject to acceptable details of height (scale), windows (appearance), and boundary treatment (landscaping) being provided at Reserved Matters stage. Notwithstanding the submitted details on levels, a condition requiring proposed levels is recommended to ensure definitive details are provided with Scale and Landscaping reserved matters.
- 10.67 Ultimately matters of height and ground levels fall under the reserved matters of Scale and Landscaping. Nonetheless, for the reasons given, there is deemed to be no prohibitive reason why appropriate details could not be provided as part of a subsequent Reserved Matters, with conditions proposed to ensure adequate details are provided at that time.
- 10.68 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

- 10.69 In summary, officers are satisfied that the development, with details of layout assessed, would not materially prejudice the amenity of existing neighbouring dwellings. While scale, appearance, and landscaping are reserved matters, due regard has been given to these considerations and officers are satisfied that no prohibitive reasons exist why acceptable details could not be provided. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.70 The sizes of the proposed residential units are a material planning consideration. While scale is a reserved matter, layout is a consideration with the applicant providing building footprints and a schedule of accommodation for assessment. Thus, proposed floorspaces are known. 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.
- 10.71 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
A / 2-bed	4	95	70
B / 2-bed	11	70	70
C / 3-bed	13	84	84
D / 3-bed	12	84	84
E / 3-bed	9	98	84
F / 4-bed	3	110.5	97
G / 4-bed	5	117	97
H / 4-bed	6	120.5	97
J / 4-bed	7	128	97
K / 4-bed	10	140	97

- 10.72 All the proposed units exceed the NDSS minimums. All units would have outdoor amenity space, including private gardens of a size commensurate to the host dwelling. As appearance is a reserved matter, window size / locations are currently unknown, and outlook and natural light levels cannot yet be determined. Nonetheless, there are no prohibitive reasons why appropriate arrangements could not be provided at application stage, with units being appropriate separation distances to one another and the proposed retaining walls.

- 10.73 Public Open Space of 22,144sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. This is a sizable provision (considered further in paragraphs 10.163 – 10.166), although it does not account for all required topographies. To offset the shortfall a contribution of £72,724 would be secured, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.74 The application is supported by an Acoustic Report. It identifies those certain areas of the site (principally those to the north) that would be vulnerable to noise pollution from the local road network, without appropriate mitigation. The report continues to outline what appropriate mitigation would entail (i.e., glazing specifications), which has been reviewed and accepted by K.C. Environmental Health. A condition is recommended securing the installation of the detailed mitigation, along with seeking details of appropriate alternative ventilation.
- 10.75 The Acoustic Report also identifies the proposed foul water pumping station as a potential noise pollutant. However, given its detailed design / specifications are unknown at this time, a thorough assessment cannot be undertaken. Such equipment is not unusual, and K.C. Environmental Health have no specific concern that it would generate substantial noise. However, to ensure a level of control, K.C. Environmental Health have advised a condition that the pump station's noise be limited to no greater than the background noise level, which officers support and recommend.
- 10.76 To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Highway

- 10.77 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.78 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.

Access and traffic generation

- 10.79 Access has been applied for as a consideration as part of this application. Furthermore, consideration may be given to the traffic generation of 80 dwellings.
- 10.80 First considering traffic generation, the application's assessment has been made against a maximum of 80 units. Based on this, the following traffic generation has been identified from the proposal:

	Arrival	Departure	Two-way
AM Peak	12	36	48
PM Peak	28	16	44

- 10.81 Considering the impact of these movements on Rowley Lane, in allocating the site (and the adjacent HS2) through the Local Plan process careful consideration was given to each allocation's point(s) of access and traffic generation. To accommodate the traffic impacts of the combined (indicative) 600 units between HS2 and HS3 at Local Plan stage it was expected that *'some form of junction upgrade with Penistone Road to access the local highway network as it is considered that the existing priority junction of Rowley Lane with Penistone Road would at some point become over capacity'*.
- 10.82 Notwithstanding the above, subject to minor improvements to the Rowley Lane / Penistone Road junction it was determined that a number of units associated with HS2 and HS3 could be accessed from the Rowley Lane. Within the Local Plan it was stated:
- the improvement on the minor arm can clearly mitigate impact of between 100-150 units; and the impact at the junction is unlikely to be severe until a threshold of circa 200 units, although this would be subject to a final agreement on generation, distribution and assignment at pre-application or masterplanning stage.*
- 10.83 The improvement works to Penistone Road / Rowley Lane identified within the Local Plan have been developed further by the applicant and are proposed as part of this application (being the same works also proposed and to be secured as part of 2020/92307, which seeks the development of Phase 1 of the masterplan). This includes both junction visibility splay improvements and increased stacking space on the minor arm (from 3 to +9 vehicles). These impacts of these works on local network capacity have been assessed, and found to be acceptable and in accordance with the assessment undertaken during the Local Plan preparation.
- 10.84 With the identified improvement works to the Penistone Road / Rowley Lane junction, which are recommended to be secured via condition, K.C. Highways are satisfied that Rowley Lane and the wider network can comfortably accommodate the proposed development's traffic generation. As shown within the applicant's masterplan, Rowley Lane would also provide access to 75 units of HS1 (from a new junction on Rowley Lane): the proposed improvements would be sufficient to comfortably accommodate the cumulative 155 units.

- 10.85 Specific to access from Hermitage Park and associated traffic movements, K.C. Highways have provided the following commentary:

With regards to the acceptance of 80 dwellings served off Hermitage Park, it should be noted that some form of development (circa 50 new dwellings) to be served from Hermitage Park came from an assessment of the current standard of the estate roads, which was made at the Local Plan stage. Whilst Hermitage Park does serve existing residential development, it does not conform to current highway design standards contained within the councils Highway Design SPD. Therefore, from an operational and amenity perspective, it was considered desirable to limit the amount of traffic that would use this road, with the bulk of the development served from the new roundabout access, which would provide better quality access arrangements that are in full accordance with current standards. It is also noted that the applicant proposed circa 150-200 dwellings initially at the Local Plan Stage, but following further negotiations, HDM have arrived at an agreed number of a maximum of 80 dwellings being acceptable without their being a severe impact on highway safety and amenity caused by the development. However, this is subject to the improvements to the junction of Hermitage Park referred to further down in this consultation response, which would help to mitigate the impact of the additional development traffic utilising Hermitage Park.

- 10.86 For comparison, the following table outlines the two-way traffic generation of 50 dwellings versus 80 at the respective AM and PM peaks:

	50 dwellings two-way	80 dwellings two way	Difference
AM Peak	31	48	+17
PM Peak	28	44	+16

- 10.87 This shows that, in the peak, 80 units is expected to attribute 17 additional vehicle movements compared to the previously considered 50 units. Spread across an hour, this equates to 1 additional vehicle movement every 3.5 minutes. Across all 80 units, there is expected to be 1 vehicle movement every 1.25 minutes on Hermitage Park in the peak (being lower outside the peak). Such additional movements would be of limited perceptibility in daily operation and are not considered either unsafe or to amount to a severe traffic impact on Hermitage Park.
- 10.88 As detailed within the masterplan, there is intended to be no through-route between the application site and the other phases of the masterplan / remainder of HS3. This is to prevent greater vehicle movements on Hermitage Park. A road is shown on the plans connecting to the south and remainder of HS3, to enable pedestrian movements, access to the pumping station, and potential emergency access between the phases. A condition is proposed requiring details of barrier and/or bollards to be installed which would prevent use by members of the public in vehicles. A similar requirement, for no connection, would be imposed for any application for future phases.
- 10.89 In terms of the Rowley Lane / Hermitage Park junction itself, as existing the sightlines are below modern standards looking eastward. Plans to improve the sightlines at this junction to an acceptable 2.4m x 71m (eastward) have been provided, the implementation of which may be secured via condition.

- 10.90 Representations have raised concerns over the use of Hermitage Park due to its steepness being greater than would be accepted against modern standards. It is accepted that the road does exceed the modern maximum desired steepness of 10%. In assessing this, the applicant comments there is no evidence to suggest the gradient is an issue, stating:
- The average gradient complies with the Kirklees Highway Design Guide SPD.
 - Collision searches for an extensive 22-year period (from 1999) have been reviewed. Only a single collision has been recorded along the full length of Hermitage Park, which involved a pedestrian crossing at Rowley Lane.
 - No collisions have been recorded relating to the loss of control, skidding, or junction overshooting, which would typically be associated with roads with steeper gradients.
- 10.91 Many roads in the district do not comply with modern standards: this does not intrinsically make them unsafe. When considering an access using a below modern standard road, due regard must be given to how the road has operated. Weighing the above, K.C. Highways deemed there to be no site-specific evidence to suggest or demonstrate that Hermitage Park, or its junction with Rowley Lane, would be an issue or couldn't safely accommodate the additional traffic generated by the proposed development.
- 10.92 Given the scale and nature of the development officers recommend a Construction Management Plan (CMP) be secured via condition. This is to ensure the development would not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences, and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is recommended accordingly.

Internal highway layout

- 10.93 The proposed access point onto Hermitage Park and the internal road layout has been reviewed by K.C. Highways who consider it to be acceptable. It is deemed to comply with the standards of the Highway Design Guide SPD. Furthermore, there are noted to be no prohibitive reason preventing a road scheme for adoption being brought forward at Section 38 stage. Full technical details of the new access road, to an adoptable standard, would be secured via a recommended condition.
- 10.94 As noted in paragraph 10.88 There would be no through-route into Phase 3 of the development. This would be controlled via a recommended condition.
- 10.95 All dwellings would have a level of dedicated off-road parking in accordance with the Highway Design Guide SPD. The provision of this may be secured via condition. In terms of visitor parking, the Highways Design Guide recommends one per four dwellings. This would amount to 20 spaces, with 18 dedicated spaces proposed. While below expectations, given the scale of the

development officers are satisfied that the shortfall of two spaces could comfortably be accommodated within the street without harming the safe and efficient operation of the highway.

- 10.96 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. Several shared private drives are proposed – each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas would be secured by recommended conditions. All units are shown to have adequate space for the storage of three waste bins in their rear gardens.
- 10.97 Given the scale of the development, which would likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse collection services would not access roads prior to adoption or while construction work continues, therefore appropriate arrangements must be considered and implemented.

Public Rights of Way

- 10.98 PROW KIR/85/10 runs east-west through the centre of the application site, connecting Lepton Great Wood to Rowley Lane. Its provision and route would be maintained through the development, within the defined Public Open Space area. Currently it is a grassed field edge. While landscape is a reserved matter, it is indicatively shown to be changed to a sealed surface. This change would be welcomed as it would help distinguish the path. A condition is proposed requiring technical details of the path's surfacing and/or treatment, to be provided at Reserved Matters (landscape) stage.
- 10.99 As the path falls within the Public Open Space, its management would be secured via the same arrangements.
- 10.100 Notwithstanding the above, the applicant would have to apply to the Council's Public Right of Way team for a temporary diversion / stopping up order while works are undertaken to it. A note this effect may be placed on the council's decision notice.
- 10.101 Kirklees Council has received two applications for a Definitive Map Modification Order ('DMMO'), under section 53(5) of the Wildlife and Countryside Act 1981, which are in direct conflict with multiple elements of the proposed development. The applications are referenced '224' and '225' and seek to record two public footpaths on the Definitive Map and Statement, which is the legal record of public rights of way. The applications are referenced 224 and 225:
- 224 is a claimed public footpath leading from Hermitage Park to Lepton Great Wood
 - 225 is a circular claimed public footpath leading to and from the existing public footpath (Kirkburton Footpath 85) around the field edge adjacent Lepton Great Wood

- 10.102 The applications are currently under consideration and a preliminary consultation is being prepared. As more evidence may become available during the consultation, no advice can be offered at present on whether a DMMO would be made. Any works undertaken affecting the claimed footpaths would be at the risk of the landowner/developer. The issue of planning consent or commencement of construction on the site would have no effect on the legal existence of any public footpath(s). If public rights of way are recognised across the site this may have significant effects on land use or its sale / transfer.
- 10.103 Notwithstanding the above, limited weight may be attributed to an application for a Definitive Map Modification Order (DMMO) and any claimed path as part of this application, particularly one at such an early stage of an assessment and until such a time it is formally accepted and entered onto the Definitive Map. Planning applications must be assessed against their own merits and against material planning considerations at the time and as it stands the DMMO application is at an early stage and must carry limited weight.
- 10.104 However, to allow for the possibility of a DMMO being made, the applicant has been in discussions with the council's Public Rights of Way team. The applicant has been made aware that in order for the development to be carried out, if a Definitive Map Modification Order is confirmed, it would be necessary for the claimed footpaths to be diverted.
- 10.105 The current layout would cause the obstruction of the claimed footpath '224', in particular the estate access road to the proposed residences. There is scope within the proposed development to provide alternative routes to the claimed footpath '224', should it be subsequently recorded on the Definitive Map and Statement. This would however be a matter for the applicant to resolve should the DMMO for '224' be approved.
- 10.106 Regarding path 225, the applicant has proposed to partly re-route the claimed path and incorporate it into the development. This is welcomed. It is proposed as a mown path commencing to west of 'Basin 2' and leading southerly towards Lepton Great Wood, to the west of the residential development. A condition for the details of the path and its implementation is commencement. Furthermore, the retention of the route such that it is open to the public in perpetuity is recommended to be secured via a Section 106 agreement.
- 10.107 Subject to these conditions and provisions, officers are satisfied that the proposal appropriately incorporates definitive Public Rights of Way into the development and responds well to claimed paths, in accordance with Policy LP21 of the Local Plan.

Sustainable Travel

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

10.109 In terms of accessibility, internally the site is well connected and would enable free pedestrian movement through and out of the site. Regarding external connections, the application's Transport Assessment notes the typical walking standards of:

- Desirable: 500m / 6 minutes
- Acceptable: 1000m / 12 minutes
- Preferred maximum: 2000m / 24 minutes

The above are consistent with Manual for Streets, which suggests that a distance of circa 2km typically represents an acceptable maximum walking distance for the majority of land uses. Within this context, there are a range of existing amenities within these relevant walking distances (measured from the centre of the site and at a speed of 1.4m/s) including:

Local Amenity	Walk time
Shops and facilities (including Lepton GP Surgery and Pharmacy)	14 minutes
Rowley Hill Primary school	5 minutes
Lepton CE Junior and Infant School	14 minutes
Bus stops along Rowley Lane	5 minutes
Bus stops along A629 / Penistone Road	10 minutes
Bus stops at Highgate Lane	10 minutes
Bus stops along the A642 Wakefield Road	20 minutes

10.110 When considering cycling, the typically accepted maximum distance for local amenities extends to 5km (or 20 minutes):

Local Amenity	Cycle time
Local Schools Rowley Hill Primary school and Lepton CE Junior and Infant School	5 minutes
Retail and employment in Kirkburton	15 minutes
Kirkburton Middle School	15 minutes
Southgate Secondary School	25 minutes
Stocks Moor Railway Station	25 minutes
Huddersfield town centre	25 minutes

10.111 There are no specific cycling facilities within the immediate vicinity of the site and the topography is challenging. Nonetheless there are various facilities within cycling distance. A condition for details of secure cycle facilities to be provided per unit is recommended, to promote cycling.

10.112 It is recognised that the disused railway line to the rear of the site is identified within the KLP as part of a core walking and cycling network. Policy LP23 of the KLP advises that they provide an opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. Proposals should seek to integrate into existing and proposed cycling and walking routes by providing connecting links where appropriate. This has been considered in the course of this planning application, however as layout is a reserved matters option, options are limited at this time and may be explored further at reserved matters stage. It must be acknowledged the railway embankment and line are in separate private ownership and the steepness of the railway banking made it unlikely that a direct connection from the site onto this route would be

feasible. The most likely appropriate point of connection would be where the access into phase 3 / phase 4 cuts through the railway line. The masterplan indicates a 'proposed footpath connection' in this place, which may be explored further as part of a phase 3 application. Consideration was also given to securing a contribution towards this route. However, at this stage, given that it remains in private ownership without a clear strategy to bring it forward as a walking and cycling route, a contribution could not be justified at this point in time.

- 10.113 Considering local public transport, the site is considered well served. Bus stops are located on Rowley Lane and Penistone Road that are all within walking distance the site. These provide frequent (through the day) services into Huddersfield (via Waterloo) and towards Denby Dale, and a low frequency service to Penistone. The West Yorkshire Combined Authority have commented that the scale of the development would not affect local bus frequency nor affect their routes.
- 10.114 West Yorkshire Combined Authority Metro have not requested any bus-stop improvements as part of the proposal. However, they advise that a contribution of £40,920 be secured towards sustainable travel incentives to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This has been discussed and agreed with the applicant, to be secured via S106.
- 10.115 The applicant has submitted a draft Travel Plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up-to-date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. These core principles are welcomed, and demonstrate that sustainable travel measures may be implemented at the site. However, a more detailed final travel plan would be required via condition. A Travel Plan monitoring fee of £10,000 (£2,000 per annum, for five years) would be necessary, to ensure the effective implementation of the Travel Plan, and this would be secured via a Section 106 as part of this outline application.
- 10.116 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Drainage

- 10.117 The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy. This has been reviewed by K.C. Lead Local Flood Authority (LLFA).

- 10.118 First considering flood risk, the site is wholly within Flood Zone 1. Two watercourses are located within the vicinity of the development: an unnamed watercourse on the north-eastern boundary and Beldon Brook approximately 300m south of the site boundary. The site is well removed from Beldon Brook, and the unnamed watercourse is small in scale, anecdotally stated to only flow during sustained rainfall, and does not enter the site. However historic data shows it had been blocked in the past and artificially re-routed into the site (which has since been cleared). A swale is proposed along the site's north and east boundaries to reroute any unexpected water flowing from higher up the hill or the unnamed watercourse into the site / dwellings. This is considered reasonable, although a condition for the swale's design details is considered necessary.
- 10.119 Considering discharge, the applicant has followed the drainage hierarchy. Due to ground conditions and topography, infiltration has been ruled out. Beldon Brook is proposed as the discharge point, at a greenfield run-off rate of 13.3l/s, with attenuation delivered via a pair of attenuation ponds within the Public Open Space. These arrangements have been reviewed by the LLFA and are supported, subject to full technical details being provided via condition.
- 10.120 The applicant has submitted a flood water exceedance event plan which demonstrates how water would flow in the unexpected event that the surface water drainage system fails. This shows that water would follow the highway and discharge into the adjacent field, without passing through either domestic curtilage or into houses (new or existing). This is welcomed, however as land levels are a reserved matter (landscape) a condition for an updated document, to ensure any revisions maintain this acceptable state, is recommended.
- 10.121 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.122 Foul water from the proposed development would discharge to the existing combined sewer on Rowley Lane. Due to being at a higher level, this would necessitate a foul water pump. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.
- 10.123 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Impact on the Ancient Woodland and Ecology

- 10.124 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

10.125 The application site is immediately adjacent to Lepton Great Wood, a registered ancient woodland. Ancient woodland is an area wooded continuously since at least 1600 AD and is irreplaceable habitat. They are valuable natural assets important for:

- wildlife
- soils
- carbon capture and storage
- contributing to the seed bank and genetic diversity
- recreation, health and wellbeing
- cultural, historical and landscape value

10.126 The NPPF states that “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists*” (paragraph 180(c)).

10.127 For non-statutory, local designations, the site is both a Local Wildlife Site and Wildlife Habitat Network within the Kirklees Local Plan. Regarding Local Wildlife Sites, policy LP30 states:

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

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

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

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

10.128 For the avoidance of doubt the site is not a Site of Special Scientific Interest (SSSI). Under the now-superseded Unitary Development Plan, the site was the subject of a local designation as a Site of Scientific Interest (SSI), which via UDP policy NE3 sought to protect the assets through limiting and/or managing development adjacent to the SSI. However, with the UDP being superseded by the Local Plan the SSI designation is no longer in effect, and is superseded. The relevant considerations are now the Local Wildlife Site designation and Local Plan policy LP30.

- 10.129 Considering the test of the NPPF, due regard must be given to whether the proposal would result in the 'loss or deterioration of the ancient woodland'. Substantial concerns have been raised through local representations and the Woodland Trust over the impact on the ancient woodland, with parties claiming that the development would indeed result in a loss and/or deterioration.
- 10.130 Officers do not consider that the proposal would result in a direct loss of the ancient woodland. The proposed development includes a 15m buffer zone between the woodland and proposed garden / roads and 20m between the woodland and houses. No trees within the ancient woodland would be removed as part of the application. Therefore, there would be no direct loss to the woodland.
- 10.131 The applicant's Arboricultural Report includes a comprehensive Tree Protection plan, including protecting trees within the ancient woodland and elsewhere within the site, which is considered acceptable by K.C. Trees. A condition requiring the development to be carried out in accordance with the Protection Plan, including the installation of perimeter fencing along the woodland, is recommended.
- 10.132 Regarding the risk of deterioration, or indirect loss, the principal consideration is the increase in human habitation (brought about by the proposed development) close to the woodland. Greater habitation would mean more footfall and access into the woodland, with human interaction in the woodland being a potential concern.
- 10.133 However, it must be acknowledged that the woodland is already accessed by a significant number of people. The woodland is publicly open, with Public Right of Ways KIR/85/10, KIR/85/20, KIR/90/10, and KIR/90/20 running through the centre of the ancient woodland along with several informal desire lines, which connect the Public Rights of Ways. These form well defined paths through the site. Within 750m (typically a 15-minute walk) of the ancient woodland there are over 1,600 addresses recorded. An increase from 1,600 to 1,680 dwellings would only be a 5% increase. While the new units would be closer than most existing homes, this is considered a nominal increase in dwellings that would not represent a material change within a reasonable walking distance of the woodland. Furthermore, it is expected that most new residents would follow the clearly established paths, as existing residents do.
- 10.134 Notwithstanding the above, given the sensitivity of the habitats within Lepton Great Wood, any degree of deviation from the existing network of paths brought about by the increased population could result in deterioration of the designating features of the woodland.
- 10.135 To assist in mitigating potential impacts of access into the Ancient Woodland, the proposal includes several elements:
- An information pack would be provided to residents detailing how to respect Lepton Great Wood, including 'things to avoid' and local ecology.
 - The 15m buffer between gardens and the woodland. This would result in a natural interface between the development and the woodland edge. Furthermore, an informal mown path would be created within this buffer, to create an alternative walking route to Lepton Great Wood itself.

- A substantial area of Public Open Space would be created through the centre of the site, containing walkways which connect up with public footpaths and other informal tracks to the west and east of the application site. The POS would contain open areas for informal play and dog walking, as an alternative to using the woods.
- Other ecological enhancements (see below).

10.136 Further to the above, officers recommend a condition requiring an information board to be installed on PROW KIR/85/10 within the site on the approach to the woodland. This would advise walkers to keep to the paths, with similar details to the information pack (details to be approved via condition). This would assist in ensuring all new and future residents would be informed of the value and vulnerability of the woodland.

10.137 Furthermore, it is intended to ensure access opportunities from the development into the ancient woodland are limited to the existing Public Right of Way only. This is to discourage uncontrolled access via non-established paths. Currently the site boundary is predominantly a drystone wall, the retention of which would be acceptable. As boundary treatment is a matter for Reserved Matters (landscape), full details to ensure adequate security and to reduce risk of damage to the woodland would be provided at that time.

10.138 Residents have suggested that the proposal would prevent rainwater accessing the woodland. Given that the site slopes downhill away from the woodland, any rainfall falling on the application site as existing would also drain away from the woodland. Therefore, officers are satisfied that the proposal would not prejudice the way rainwater interacts with the site. Other concerns relate to planting in gardens, which may introduce inappropriate species, and the increase in domestic cats, which threaten local species. Regarding planting, the 15m buffer zone would be managed and maintained to prevent harmful encroachment. Regarding cats, while it is accepted that they would likely access the ancient woodland, the increased risks are considered in the same way as those associated with human access (see paragraph 10.133 above onwards). Cat territories range in size, therefore there would already be a number of local cats accessing the site. The additional cats from the development would not be a significant material increase.

10.139 The Woodland Trust and representations have stated that a 50m buffer zone should be secured, as opposed to the 15m / 20m proposed. In making this request, they cite national guidance. The following is taken from the Planning Practice Guidance:

For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

10.140 The Woodland Trust offer the following concerns to justify their request for a larger buffer zone:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.

Response: Intensification of recreational use has been considered in paragraph 10.133 above, and found to be acceptable. Furthermore, a separation distance of 50m would not result in a material difference, i.e., it would not prevent people walking into the woods and using it for recreation.

- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.

Response: The proposal would not fragment the site from other habitats. Furthermore, through net gain, the habitat value of the site would be retained. The POS within the site would link the woodland to fields to the west, allowing fauna to travel across the site and link the habitats.

- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.

Response: Residential development is not normally considered to be a significant source of noise pollution. Dust during development would be controlled via condition. Likewise, a lighting strategy to avoid light spill has been proposed.

- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.

Response: As noted in paragraph 10.138, the application site is on a lower level than the ancient woodland. Existing contours do not suggest water would flow from the site into the woodland. This situation would be maintained post-development, with the east swale intercepting any unexpected water floods.

- Development can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland.

Response: Considered in paragraph 10.138, the buffer zone is to be managed and maintained to prevent spread. Information and education of residents in the form of the introductory pack and on-site signage would reduce the occurrence of fly tipped garden waste which is the main source of non-native species.

- When land use is intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

Response: This is a cumulative comment, which is considered to be cumulatively responded to through this report. In summary, officers consider that there would be no direct impact to the woodland, with indirect impacts to both habitat, trees, and species being appropriately mitigated through enhancements and other conditions as outlined.

- 10.141 A 15m separation distance is proposed, in accordance with national guidance. The majority of works, partially the building of houses, would be subject to a 20m buffer zone, with only a small number of gardens and driveways within the 15m to 20m zone. Based on the assessment undertaken, informed by site specific circumstances, planning officers, supported by K.C. Trees and K.C. Ecology, are satisfied that the proposed separation distance would be adequate.
- 10.142 In conclusion regarding the proposal's impact on the ancient woodland, while it must be acknowledged that a degree of harm would be inevitable through introducing more people into the vicinity, officers consider that the harm would be minimal and would not amount to material deterioration of the ancient woodland, nor result in its loss.
- 10.143 Considering the ecological value of the site, the application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. The EclA provides a comprehensive assessment of the site, which includes a series of species surveys undertaken within the last five years, the latest of which was undertaken at the beginning of October 2022. The scope of the surveys is deemed acceptable, with the October 2022 walkover confirming that the ecological value of the site has been maintained and therefore the findings of the protected species surveys can still be determined to be valid.
- 10.144 A Biodiversity Net Gain calculation has been undertaken using the DEFRA Metric v3.1. The submitted metric (dated 17th October 2022) states that the development would result in 10% net gain in habitats and a 41.48% net gain in hedgerows. This level of net gain is welcomed (without needing an off-site contribution) and ensures that the development would be able to provide an enhancement over the current situation. A number of other enhancement measures can also be incorporated into the scheme in order to ensure that provisions for protected species are realised, post-development. A condition for an Ecological Design Strategy, to detail the net gain and other ecological improvement delivery, is recommended along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years.
- 10.145 A condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is also recommended, to ensure construction activity is managed in an appropriate way, with regard to Lepton Great Wood. Likewise, a condition for an external lighting strategy, to ensure no harm through lighting to local species and habitats, is recommended. No invasive non-native species were found on the site.

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

Other Matters

Air quality

- 10.147 The application is supported by an Air Quality Impact Assessment (AQIA). This has been reviewed by K.C. Environmental Health in accordance with West Yorkshire Low Emission Strategy (WYLES) Planning Guidance. The site is not within an Air Quality Management Area, nor near to any roads of concern.
- 10.148 First considering the 'operational phase' (i.e., air quality impacts for the development once complete), the report concludes that for the operational phase the predicted annual NO₂, and PM₁₀ concentrations would be below the current national air quality objectives for both the "without development" and "with development" scenarios and at all modelled sensitive receptor locations in 2025. Therefore, in accordance with the Environmental Pollution UK (EPUK) and Institute of Air Quality Management (IAQM) guidance, the overall effect on air quality, because of the additional development trips, on sensitive receptors is considered to be 'not significant'. In line with the WYLES guidance for medium developments the report recommends mitigation measures to assist in reducing any potential impacts in relation to air quality. These include the provision of EV charging for all dedicated parking and a travel plan promoting the use of sustainable modes of travel.
- 10.149 The operational phase findings and conclusions are accepted by K.C. Environmental Health, who recommend the inclusion of conditions for Electric Vehicle Charging Points (1 per dwellings) and Travel Plan monitoring (with fees to be secured via a Section 106 agreement).
- 10.150 Due regard has also been given to air pollution during the construction phase, principally regarding dust generated by construction. This is of particular importance for this site, both due to the typical consideration of proximity to existing residents, but also the closeness to Lepton Great Wood. The report concluded that there is the potential for air quality impacts because of fugitive dust emissions from the site, from earthworks, construction and track-out. The report goes on to say that these impacts are considered to be temporary and short term and can be controlled by the implementation of good practice dust control mitigation. These are outlined in table 8-1 (page 32) of the report titled Construction Dust Mitigation Measures, the implementation of which may be secured via condition.
- 10.151 Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

Contamination and coal legacy

- 10.152 In accordance with LP53, as a major residential development consideration of ground contamination is required. Furthermore, Council records indicate the site as being potentially contaminated due to its proximity to historic collieries and brickworks. The application is supported by Phase 1 (desktop) and Phase 2 (site investigation) Contaminated Land reports which have been reviewed by K.C. Environmental Health.
- 10.153 The Phase 1 report's conclusion has been accepted, however, the Phase 2 report provides inadequate assessment relating to ground gas for K.C. Environmental Health to support the conclusion. Accordingly K.C. Environmental Health recommend conditions relating to further ground investigations and the re-submission of the Phase 2 report. Subject to the imposition of these conditions officers are satisfied that the proposal complies with the aims and objectives of policy LP53.
- 10.154 The site falls within the High-Risk Coal Mining zone. Therefore, a Coal Mining Risk Assessment has been submitted with the application and reviewed by the Coal Authority. In summary, the report identifies that there are shallow historic coal activities under the site which may pose a risk to future development without appropriate mitigation. Therefore, the Coal Authority request conditions be imposed requiring such mitigation strategies to be reviewed and implemented. Such a condition is deemed reasonable and is recommended by officers, to ensure compliance with policy LP53.

Crime Mitigation

- 10.155 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regard to home security, rear access security and boundary treatments. These, predominantly, relate to the Reserved Matters of Landscape. A condition is therefore recommended requiring details of lighting and crime mitigation to be provided and Landscape stage. With this secured, it is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24(e).

Minerals

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

Planning obligations

- 10.157 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the

development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

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

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

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

The applicant has offered:

	Affordable Rent	Intermediate
1- and 2-bed	4 (44%)	5 (inc. two first homes) (71%)
3-bed	3 (33%)	2 (inc. two first homes) (29%)
4-bed+	2 (22%)	0
Total	9	7

10.160 The affordable / intermediate ratio complies with the SPD expectations, as do all unit types bar the provision of 33% 3-bed affordable units. It should, however, be noted that negotiations on this proposal took place prior to the SPD being adopted. K.C. Strategic Housing, consulted prior to the SPD being adopted and using the older SHMA data, welcomed the inclusion of 3-bed affordable units. Bearing this in mind, along with reasonable allowance for a transition period, the proposed mix is not opposed. Furthermore, it is noted that, for affordable rent, the 1- and 2-bed and 4-+bed units are within the accepted parameters.

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

10.162 Overall, the proposed affordable housing offer is considered acceptable and complies with the expectations of LP11 and the Council’s Affordable Housing and Housing Mix SPD.

Public Open Space

- 10.163 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space, or contribute towards the improvement of existing provision in the area. The proposal includes 22,144sqm of on-site Public Open Space. This is over double the policy expectation of 9,761sqm, with this overprovision being attributed to the undevelopable areas within the site.
- 10.164 The applicant proposes that the 22,144sqm be provided in the form of several typologies. While these are mostly accepted indicatively, as Landscape is a reserved matter, full details are not held at this time. For example, while 1,442sqm of 'Children and Young People' space and 1,278sqm of 'Outdoor Sport' space is shown, insufficient details have been provided for these to be accepted as such at this time. Sufficient information has been provided, for outline purposes, relating to the Amenity Green Space, Parks and Recreation, and Natural / Semi-Natural open space provision, subject to review at Reserved Matters (landscape) stage.
- 10.165 Based on the details submitted, officers consider there to be an on-site provision shortfall in 'Children and Young People', 'Outdoor Sport', and 'Allotments' remains. This shortfall equates to a necessary offsite contribution of £72,724 which is proposed to be secured via a Section 106 agreement. However, given the extent of overprovision of the other typologies, is likely some if not all of this may be provided elsewhere within the site. It is therefore proposed to include a revision clause at Reserved Matters (landscape) stage, to enable the applicant opportunities to explore an on-site provision that is more compliant with the relevant typological open space requirements, and that may justify a reduced off-site contribution.
- 10.166 The overprovision of one typology does not negate the need for others, thus the required off-site Public Open Space contribution remains applicable at this stage to cover the shortfall in Allotments and Outdoor Sport. However, it must be noted that the proposal is part of a larger masterplan where masterplan principles apply. Accordingly, it is deemed reasonable to enable the overprovision proposed as part of this phase (phase 2) to be partly subtracted from subsequent phases (3 and 4). This is subject to review of the subsequent applications, and later phases having their own reasonable provision of POS provision, in appropriate locations (i.e., not relying wholly on the overprovision and all residents are within a reasonable distance to open space).

Education

- 10.167 K.C. Education have reviewed the capacity at nearby schools, namely Rowley Lane Junior, Infant and Nursery School and King James's School. A contribution of £225,821 towards these schools has been identified by K.C. Education.
- 10.168 This figure has been calculated given due regard to other developments in the area and master planning principles across HS2 and HS3. Given that this application and the phase 1 proposal (ref: 2020/92307, for 75 units) were assessed at the same time, a cumulative contribution for both developments (75 + 80 units) were identified, with local capacity duly affected by the approval of 2020/90725 at HS1 (for 68 units), and then pro-rata'd to the scale of each development.

Sustainable travel

- 10.169 The site is within walking distance of numerous bus stops that connect the development to the wider area, including Huddersfield Town Centre that in turn connects to the wider region. As considered in paragraph 10.114, it is recommended that £40,920 towards Sustainable Travel measures (i.e., metro cards) and £10,000 towards Travel Plan Monitoring be secured.

Off-site highway infrastructure

- 10.170 As detailed within paragraphs 10.10, a pro-rata'd contribution of £422,224 towards the delivery of the off-site highway infrastructure to access phases 3 and 4 of HS2 and HS3 respectively is recommended.

Management and Maintenance

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

Representations

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

Principle and master-planning

- The Council have never demonstrated exceptional circumstances to justify the site's removal from the green belt.
- The land is / was green belt and should not be built upon.

Response: The site was removed from the green belt through the Local Plan process, which was independently reviewed and accepted by an Inspector on behalf of Secretary of State for Communities and Local Government. The removal of the site from the green belt was considered as part of that process and found to be acceptable.

- The Local Plan is predicated on out-of-date data and methodology for calculating housing supply.

Response: The site was accepted as a housing allocation within the Local Plan. The Local Plan went through due process, including review by the Planning Inspectorate and was found to be sound.

Amenity

- The applicant's noise impact assessment states certain units would require noise mitigation measures. Therefore, existing residents are also at risk, and this risk is not adequately addressed. Further noise and vibration investigation works, with a view to prevent harm to existing residents, should be undertaken.

Response: The proposed development is not expected to be a major source of noise pollution that would affect existing residents, nor would the traffic generation associated with the development materially worsen the existing noise climate. It is beyond the scope of this application to address an existing issue, which is outside the control of the application, and improve the situation for existing residents.

Design and heritage

- The site is an area of outstanding beauty and should not be built upon.

Response: For the avoidance of doubt, the site is not formally designated as an 'Area of Outstanding Natural Beauty'.

- Reference to a petition for 'referendum for "Area of Outstanding Natural Beauty Protection of Agbridge Elmet"' which has 1,139 signatures at the time of writing. Another petition, titled 'Save Lepton and Fenay Bridge from Development' with 1,130 signatures on Change.org has been shared with officers.

Response: These petitions are noted, but carry no weight in the planning decision making process.

- The applicant's Heritage Impact Assessment is misleading and incorrect. It inaccurately identifies Crow Trees as being coupled with 8 / 10 Rowley Lane. The HIA states alterations have been made, which is incorrect: recent works have been remedial like for like works.

Response: This is noted, but does not materially affect the assessment and conclusion reached within the HIA.

Highways / access

- The applicant does not own the land where the Hermitage Park / Rowley Lane sightlines improvements would be, therefore preventing it being implementable.

Response: The land in question is noted to be part of the highway and thus changes are appropriate.

- The applicant should provide a pavement along the entire southern side of Rowley Lane to promote pedestrian movements and highway safety.

Response: Such a provision would be a substantial engineering operation, and may not be feasible to an appropriate standard and thus unlikely to be a reasonable request. Nonetheless, K.C. Highways are satisfied that such a provision is not necessary.

- No consideration has been given to the unadopted road circa 6m below Hermitage Park, which serves seven houses. Historic applications for more houses off the unadopted road have required sightline improvements.

Response: K.C. Highways are satisfied that there would be no conflict between the Hermitage Park / Rowley Lane junction and the unadopted road junction, either from the proposed sightline improvements or increased traffic.

- Construction traffic would cause issues, with circa 50 vehicle movements on Hermitage Road a day for two years. Construction would also affect Lepton Great Wood.

Response: Access for construction traffic would inevitably be via Hermitage Park. It must be accepted that a degree of disruption would be caused. A condition requiring a Construction Management Plan is proposed, to ensure disruption is kept to a minimum.

Ecology and trees

- Trenches have been dug close to the woodland as part of investigation works for this application. Trees have recently been damaged and have become diseased.
- Lepton Great Wood was previously untouched but has recently been used as a bike track, with recent damage evident. This demonstrates human impact is already significant and would be made worse.
- Trees and hedgerow in and around the site, including part of Lepton Great Wood, have recently been felled or cut. This has taken place within the bird breeding season, against rules set out in the Wildlife and Countryside Act 1981.

Response: Officers have queried recent trenching works undertaken on site with the applicant, with a response not received to date. Regardless of their response, it would not prejudice or materially affect officers' assessment of the proposal. Photographs of the great wood with evident bike tracks have been provided. No substantive evidence has been provided relating to felling or cutting of trees within the bird breeding season. Nonetheless, these are matters for the police (potentially) and are not material to the decision of this application.

- In the Local Plan's Sustainability Appraisal, it was identified that the allocation 'is likely to have a significant effect on the Sustainability Appraisal objectives', specifically 'maximise opportunities to protect and enhance biodiversity and geodiversity', although this is noted to include an element of uncertainty due to lacking data at the time.

Response: The sustainability appraisal was drafted early on in the Local Plan process and used to inform the development of housing allocations. Such constraints were identified and noted within the formal allocations, and, as outlined in this report, have been adequately addressed, principally through the proposed buffer zone adjacent to the ancient woodland and ecological enhancements.

- Government guidance states that larger than 20m buffer zones may be required where 'surrounding area is less densely wooded, close to residential areas, and steeply sloped', with this site reflecting all three.

Response: The size of the buffer zone has been considered at length in paragraphs 10.124 to 10.146. While it is noted the above three criteria are partly applicable to this site, ultimately the proposal has been assessed on its own merits, with the proposed buffer zone found to be acceptable.

Other

- There are no options for self-build or modern method of construction, such as passivhaus.
- The applicant should provide upfront details on the build specifications of the proposed dwellings, specifically their energy efficiency credentials / methods of promoting energy effectiveness. The Council has declared a climate emergency and thus should demand this information.

Response: Planning decisions are unable to force sustainability standards above Building Regulations at this time. Sustainability matters are nonetheless considered earlier in this committee report.

- Concerns that Councillors have historically said the site has no scenic value.

Response: The context of this comment is unknown.

- The proposals do not include plans on boundary treatment between the site and neighbouring properties.

Response: Boundary treatments are a Reserved Matter, under the consideration of landscaping.

- There is a food crisis; the loss of farmland would exacerbate this.

Response: This is noted, however the site is a housing allocation in the Local Plan, with the principle of residential development being found to be acceptable.

- The proposal, including the various consultations already undertaken, have affected local resident's Human Rights, specifically 'peaceful enjoyment'. Consultations have been an excessive nuisance, particularly as no acceptable progress has been made.

Response: Officers have seen no substantive evidence to demonstrate that Human Rights have been or would be affected, nor that consultation has been excessive. Furthermore, national and local policy promotes developers to engage with local residents.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The site is allocated as a housing allocation within the Local Plan. While the density of development is below that expected by policy, there are reasonable justifications for this shortfall. The houses that would be provided are acceptable in terms of size mixture and would reply to local need. The Local Plan requires any proposal for the site to be supported by a masterplan for the whole of allocations HS2 and HS3, which has been provided and found to be acceptable. Accordingly, the principle of developing 80 dwellings on this site has been accepted.
- 11.3 The proposal is made in outline; however, access and layout are considerations. The access arrangements, via Hermitage Park, are deemed to be acceptable and would not result in severe highway impacts. The internal layout of the proposal is acceptable and would result in a high quality of development while preserving the amenity of neighbouring occupiers. The considerations of scale, appearance, and landscaping are reserved matters, however no prohibitive reasons have been identified as to why adequate details could not be provided.
- 11.4 Other planning issues, such as drainage, ecology, and protected trees, have been addressed through the proposal. Furthermore, it would provide an enhancement to local affordable housing, providing 16 affordable units, and open space, with on-site and off-site contributions to enhance local facilities, in line with policy. Education contributions would also be secured to mitigate the impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Reserved Matters submission and timeframes.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Notwithstanding submitted details, Reserved Matters of Landscape and Scale to include finished floor levels plan.
4. Condition for Construction Environmental Management Plan (C(E)MP).
5. foul water pumping station noise limited to background level.
6. Penistone Road / Rowley Lane improvements to be provided.

7. Rowley Lane / Hermitage Park improvements to be provided.
8. Details of barrier / method of preventing through traffic to phase 3.
9. Technical specifications of internal access road.
10. Construction Management Plan (CMP).
11. Cycle storage details per unit.
12. Reserved Matter (Landscape) to include treatment of PROW KIR/85/10 details.
13. Private drive communal bin stores to be provided.
14. Phases waste collection strategy.
15. Full technical details of the proposed swale to be provided.
16. Full technical details of surface water drainage system to be provided.
17. Surface water flood routing plan to be provided and implemented.
18. Details of temporary surface water drainage to be provided.
19. Development to be done in accordance with Tree Protection Plan.
20. Ecological Design Strategy to be provided.
21. Details of boundary treatment between site and Lepton Great Wood to be provided at Reserved Matters (landscape) stage.
22. Constriction Environmental Management Plan: Ecology (CEMP: Biodiversity) to be provided.
23. Details of landscape to include lighting and crime mitigation strategy.
24. EVCP, 1 per dwelling.
25. Development done in accordance with proposed Dust Mitigation Strategies.
26. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
27. Coal legacy mitigation works.
28. Landscape details to be in accordance with approved Public Open Space plan.

Background Papers

Application and history files

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91735>

Certificate of Ownership

Certificate B signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 06-Apr-2023

Subject: Planning Application 2021/93567 Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton, BD19 5DR

APPLICANT

Strata Homes Ltd

DATE VALID

08-Sep-2021

TARGET DATE

08-Dec-2021

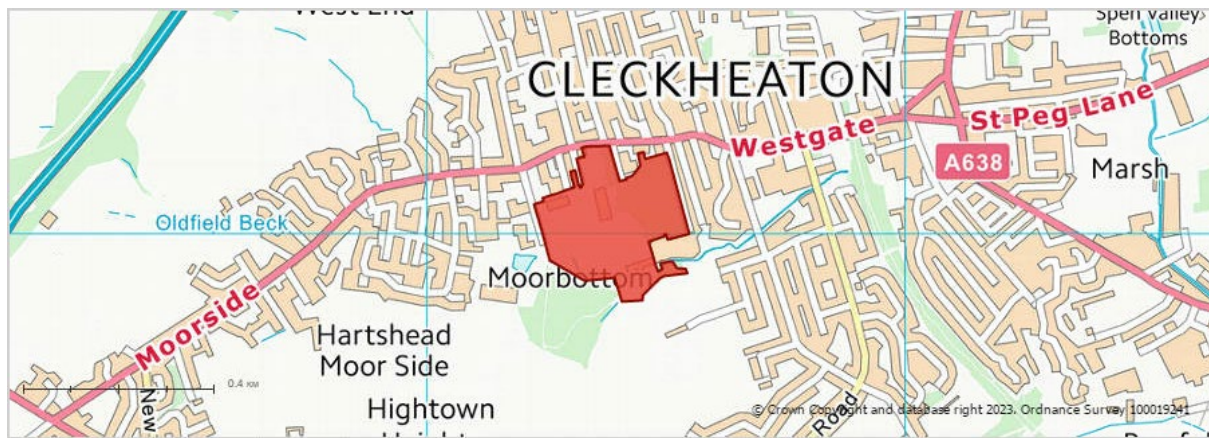
EXTENSION EXPIRY DATE

31-Jan-2023

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: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

- a) **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units).
- b) **Open space off-site contribution:** £59,770.28.
- c) **Metro enhancements:** £33,000 towards bus stop improvements.
- d) **Sustainable Travel:** £10,000 towards travel plan monitoring.
- e) **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
- f) **Management and maintenance:** POS, drainage (including culverts), and ecological features.
- g) **Viability Review Mechanism:** An updated viability report to be provided to the LPA at 50% occupation, with additional Section 106 obligation to be provided in the event that a higher-than-expected profit is achieved.

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

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission, for a residential development of 180 dwellings.
- 1.2 This application is brought to Strategic Planning Sub-Committee in accordance with the Delegation Agreement as the proposal relates to a residential development of over 60 units.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is within Cleckheaton. The site is accessed via Westgate, which runs along to the north of the site. The unadopted Iron Street, Stone Street, and Lime Street, run into the site from Westgate. Each of these roads have poor quality surfacing of varying states. Roberts Street and Quarry Road run along the east boundaries, Brick Street to the west. The application site has an area of 6.47ha. The topography is sloped, falling downhill from north to south.

- 2.2 Most of the site is brownfield land, hosting one operational employment unit (Stables Garages) and several defunct units, in poor states of repair, spread around the site. Several other units on the site were demolished between 2000 and 2010. A surfaced area to the north has recently been used as a car park. Many parts of the site have become overgrown since the demolition although several open areas of hardstanding remain.
- 2.3 A mixture of commercial and residential units surrounds the site, including commercial units on the north-east, north-west, and south-east boundaries. There is a terrace row to the north-east also, accessed from Taylor Street but backing onto Iron Street. More generally however, there is residential to the north and east, commercial to the west, and open land to the south.
- 2.4 Blackup Beck runs along much of the site's south boundary, separating it from an expanse of open land (allocated as Urban Green Space in the Local Plan) however at one point it culverts and runs into / under the application site red-line boundary. As noted above, the site has semi-naturalised with self-seeded young trees are evident throughout. Of note, along the west boundary (adjacent Quarry Road) is a group of Black Hybrid Poplar trees that are protected by a group Tree Preservation Order. However, the trees have been severely pollarded and as a result have little value either as species or as an amenity screen.

3.0 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 180 dwellings. This would consist of:
- 2-bed: 52 (28%)
 - 3-bed: 86 (48%)
 - 4-bed: 42 (23%)
- 3.2 There would be five house types. Units would be a mix of detached, semi-detached, and terraced. Most unit types would be two storeys, with the exemption of 'Bungalow' housetype (one storey) and 'AH5' housetype (2.5 storeys, habitable rooms in roofspace). Facing materials are proposed as a mix of stone, red brick, and buff brick. Roofing materials are proposed as grey concrete tiles and red concrete tiles.
- 3.3 The site's access is to be formed over / incorporate the (unadopted) Stone Street. From this, a new estate road would extend through the site, before branching into a wide loop with several small off-shooting roads / private shared drives. The 2-bed and 3-bed units would have two off-road parking spaces per unit, with the 4-bed units have three. There would be 29 dedicated visitor parking bays.
- 3.4 A small area of Public Open Space is proposed in the centre of the site, principally providing a pedestrian / cycle through-route. The main Public Open Space is provided to the south of the site, partly boarding Blackup Beck. Retaining walls are to feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would go up to 4.0m (adjacent to the southern commercial development).

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2010/91431: Outline application for erection of mixed-use development comprising of residential and business use and change of use of Paragon Works to business use (B1) – Conditional Outline Permission.

2017/91640: Variation of conditions 7, 11, 12, 14, 17, 18 on previous permission 2010/91431 for outline application for erection of mixed-use development comprising of residential and business use and change of use of Paragon Works to business use (B1) – Invalidated.

4.2 Surrounding Area

Land at, Brookside Works, Cleckheaton

2021/90886: Outline application for erection of Class E (B1c/B2/B8) with access from Brick Street, associated yard space, car parking, storage units and landscaping – Withdrawn.

2021/92661: Outline application for erection of Class E(g), B2, and B8 units and the formation of associated infrastructure, with access from Brick Street – Withdrawn.

Unit 1 & 2, Taylor Street

2017/92869: Erection of extension to existing factory – Conditional Full Permission.

Cleckheaton Hand Car Wash, 75, Westgate

2017/92483: Change of use of car sales to mixed use including car wash and tyre fitting.

2018/93329: Erection of 6 dwellings – Conditional Full Permission.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 A pre-application enquiry was submitted in March 2020 on the site. This sought feedback from officers on a proposal for 197 units. Officers outlined their consideration of the proposal, which in summary was welcoming however further details were required to support a detailed application. This included clarification on the impacts of a primarily residential development on a mixed-use allocation and seeking further details to determine whether the proposal represented an effective and efficient use of the site. Officers also outlined various matters that any subsequent application would have to address.

5.2 The current application was submitted December 2021, seeking permission for 194 units. Officers, with advice from consultees, expressed various concerns on the proposal included, but not limited to: design, housing mixture, highways, ecological impacts, drainage, and the provision of planning contributions.

5.3 The application has gone through several revisions, with updated supporting information provided for review by technical consultees. Through this process, the proposal has reached a stage where officers are overall supportive. However, the applicant has submitted a viability assessment seeking to demonstrate that a policy-compliant set of planning obligations cannot be feasibly delivered as part of this application. Therefore, an independent viability process was undertaken. Based on the information provided by the Council's viability assessor, officers negotiated the following proposed reduced Section 106 package:

- **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units).
- **Open space off-site contribution:** £59,770.28.
- **Metro enhancements:** £33,000 towards bus stop improvements.
- **Sustainable Travel:** £10,000 towards travel plan monitoring.
- **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is mostly part of a Mixed-Use allocation (MXS9) in the Kirklees Local Plan. The allocation has an indicative housing capacity of 223 dwellings. For employment space, the indicative capacity is given as 'Retention of existing floorspace and is already occupied'. Retail is also noted as a possible use of the site, however the allocation notes that 'additional retail and/or leisure beyond that already on site would be subject to Policy LP13'.

6.3 The allocation has a gross area of 6.93ha, while this application occupies 6.35ha of MXS9. The red-line incorporates 0.12ha of Urban Green Space (ref. IG315) to the south.

6.4 Site allocation MXS9 identifies the following constraints relevant to the site:

- No residential development to take place within flood zone 3.
- The flood risk vulnerability of proposed uses will be considered and an exception test may still be required as part of a planning application as set out in national planning policy.
- Prevention and mitigation to reflect Water Framework Directive requirement.

6.5 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP29** – Management of water bodies
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Green Space
- **LP63** – New open space
- **LP67** – Mixed use allocations

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

Supplementary Planning Documents

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

Guidance documents

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

National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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.

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

6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- National Model Design Code (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Green Infrastructure Planning and Design Guide (2023)

Climate change

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

6.10 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement (SCI)

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to the submission of the planning application. The applicant posted a leaflet to neighbouring properties (circa 250 addresses). The leaflet included details of the proposed application and site plan and directed residents towards a website where plans were available and where comments could be submitted. The consultation was undertaken December 2020, with the applicant stating:

Due to the scale of the proposals, and social distancing restrictions in place due to the coronavirus (COVID-19) pandemic, it was deemed the most appropriate method of engagement would be via a consultation leaflet drop to local residents

- 7.2 An article in the local newspaper was also used to raise awareness of the pre-application engagement.

- 7.3 In response to the engagement processes nine comments were received on the website forum. The SCI summarises the comments as follows:

- the capacity of local facilities to support an increase in the local population.
- development increasing the risk of flooding in the area.
- highway safety on already congested Westgate Road and sufficient parking provision on site.
- the development blends well with surrounding environment and is sympathetically designed. The removal of the disused brownfield sight is welcomed.
- overlooking of proposed new dwellings onto the properties off Quarry Road.
- provision of affordable housing on-site.

Within the SCI the applicant considers each of these comments and outlines how they have been incorporated into the proposal. This included the originally advertised proposal, for 203 dwellings, being reduced to 194.

Public representation

- 7.4 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

- 7.5 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Final amendments were made after the last public representation period. These were considered minor in scope, and were improvements and/or direct responses to issues raised by the public or officers. As such, it was not considered necessary to readvertise the final amendments.

7.6 The end date for public comments was the 27th of February 2023. In total seven public comments were received. The following is a summary of the comments made:

- Welcoming the removal of the trees along Quarry Road side which leave residents with 'debris, leaves, branches etc' as they have become overgrown.
- Local schools and doctors' surgeries cannot accommodate additional students.
- Local roads and drainage infrastructure is inadequate to accommodate additional dwellings.
- The applicant's plan to remove trees on Quarry Road does not comply with K.C. Trees advise to include a 'similar line' of replacement trees and is unacceptable.
- Concerns over difficulties with the applicant during development / construction at another site.
- Concerns of impacts caused during the construction phase.

7.7 The site is within Cleckheaton ward. The local ward Councillors are Cllrs John Lawson, Andrew Pinnock, and Kath Pinnock. Councillors were notified of the proposal, with no substantive comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to conditions and advise Section 106 requirements.

K.C. Lead Local Flood Authority: No objection subject to conditions and advise Section 106 requirements.

The Environment Agency: Object. Further details on compensatory storage (due to ground works in Flood Zone 2) are required, along with clarification of culvert maintenance. The applicant believes they have addressed these points and officers are awaiting updated comments from The Environment Agency which is expected to be reported in the update.

Yorkshire Water: Object. The plans propose trees within the exclusion zone of pipes and the amended plans don't record all pipes (which earlier versions did). The applicant believes they have addressed these points and officers are awaiting updated comments from Yorkshire Water which is expected to be reported in the update.

8.2 Non-statutory

K.C. Conservation and Design: The site is circa 200m north of a Grade 2 Listed farmhouse (1 to 3 Lower Blacup). The proposal would improve a largely derelict brownfield site and is therefore welcomed, having either a neutral or positive affect on the listed building.

K.C. Crime Prevention: No objection, subject to condition. Advice offered throughout the proposal and incorporated where feasible.

K.C. Ecology: The applicant has undertaken sufficient survey to determine the ecological value of the site, both in terms of habitat and impact on species. No objection to the proposal, subject to conditions and securing an Ecological Net Gain contribution of £199,916.

K.C. Education: Provided advice on policy compliant education provision. Based on 180 units, the proposal would be expected to provide £357,733 towards local schools (£91,783 to Heaton Avenue and £265,950 to Whitcliffe Mount).

K.C. EV Health: No objection subject to conditions. Have assessed a variety of Environmental Health considerations, including: air quality, contaminated land, and noise pollution.

K.C. Landscape: No objection subject to condition. Have provided advise and feedback throughout the application process on landscape design. Based on the final proposals and 180 dwellings, discounting the Public Open Space to be delivered on site, an off-site provision of £202,174 remains. This would be spent on local facilities, potentially including (but not limited to): west End Park Moorside Verges, Lynfield Rec.

K.C. Public Right of Way (PROW): Informal discussions held. No objection subject to conditions relating to connecting to Public Rights of Way.

K.C. Public Health: Requested that a Rapid Health Impact Assessment (HIA) be undertaken, due to Cleckheaton Ward failing key health indicators. Expressed concerns over the applicant's HIA, with advice offered on how to progress.

K.C. Strat Housing: Provided advise on policy-compliant affordable housing provision. Based on 180 units, the expected delivery would be:

- Affordable or social rent: 20
- First Homes: 9
- Other intermediate: 7

K.C. Trees: No objection subject to conditions. While protected by a TPO, the trees on the east boundary proposed to be removed are of poor quality and their removal is not opposed. Adequate planting, including mitigation for the lost trees, is proposed throughout the site.

West Yorkshire Metro: To support sustainable travel, West Yorkshire Metro have calculated the following contributions for the proposal:

- Sustainable Travel Fund (i.e., bus passes): £90,070.
- Bus stop improvements: £33,000 (£13,000 for shelter at stop ID 14085, £10,000 for real time displays at stops 14085 and 14086).

9.0 MAIN ISSUES

- Principle of development
- Urban Design
- Residential Amenity
- Highway
- Drainage and flood risk
- Ecology
- Planning obligations
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

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

Land allocation (Mixed use) and residential development

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.3 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.4 The site is allocated as Mixed Use, with potential uses given as residential, employment, and retail, within the Kirklees Local Plan Allocations and Designations document (2019), to which full weight can be given. Policy LP67 governs such applications and states:

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

- 10.5 The proposal seeks residential development only, with no employment development, retail or other use sought.
- 10.6 However, the proposal only relates to part of the allocation. The excluded land within the allocation includes two dwellings, a retail unit (B and M Collins and Sons), a carwash (Cleckheaton Hand Car Wash), an office and warehouse building (Paragon Works), and storage space for the businesses to the north-east (Williams Automotive Engineering, Elite Systems, Advance Welding). These units would retain their commercial use.
- 10.7 At present there are four units remaining within the site: unit 3, units 11 and 12 (single building) and unit 19 (other numbered units previously demolished). Units 3, 11, and 19 are vacant and are largely derelict. Unit 12, attached to unit 11, while occupied is also in a poor state of repair. The existing tenant, Stables Garage, is a commercial garage. The retention of the existing occupied property is not desirable – the unit is in a poor state of repair, occupying a portion of a larger building, the rest of which is in a worse state. Having commercial garage accessed through the site would affect amenity and the visual design of the proposal. Therefore, officers do not oppose the removal of either the existing commercial units, or proposed.
- 10.8 In light of the above, while only residential units are proposed as part of this application, the ‘mixed use’ allocation would retain a mixed use. Therefore, principle of a residential-only proposal, on part (albeit most) of the allocated site is considered acceptable.

Quantum of development

- 10.9 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council’s Affordable Housing and Housing Mix SPD (March 2023).
- 10.10 First considering density, due regard must be given to the developable land. While the Local Plan included high level ‘net developable areas’, a further assessment is required at application stage. Excluding land within Flood Zones 2 and 3, the site has a developable area of 5.25ha. At 180 units, this equated to a development density of 34 dwellings per ha, which is reasonably close to the target density of 35 dwellings per ha.

- 10.11 Progressing to housing mixture, LP11 seeks for proposals to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). However, as the Council's Affordable Housing and Housing Mix SPD (March 2023) was only adopted towards the end of this application, reasonable transitional arrangements are required and full adherence to the SPD is not expected.
- 10.12 The following is the SPD expectation, for information purposes, against that proposed:

	SPD Expected Mixture (Batley and Spen)	Proposed Mixture
1- and 2-beds	30 – 60%	52 (28%)
3-beds	20 – 40%	86 (48%)
4-beds +	15 – 35%	42 (23%)

As is evident, the proposal does not conform to the recently adopted SPD's expectations. However, negotiations between the applicant and officers on the housing mixture were predicated on the older Strategic Housing Market Assessment (SHMA). The proposal, as amended, was deemed to comply with the SHMA's expectations, prior to the new expectations of the SPD being adoption. Given this, and the minimal divergence between that previously negotiated and the SPD's target, officers do not consider the proposal contradictory to the aims of policy LP11 in terms of housing mixture.

- 10.13 Summarising on the above, the proposal would represent a good density of development and the housing mixture proposed is not unreasonable. Accordingly, the proposed is considered to represent an effective and efficient use of land, in compliance with policies LP7 and LP11, and the Council's Affordable Housing and Housing Mix SPD (March 2023).

Sustainable development and climate change

- 10.14 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.15 The site is within the urban envelope and is considered to be a location sustainable for residential development. It is accessible, lying within an existing established settlement and within circa 500m of the to various local amenities and facilities in Cleckheaton local centre where bus stops give reasonable access to the district centre of Dewsbury. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

10.16 Regarding the social infrastructure currently provided and available in Cleckheaton (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in a representation made by a local resident. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.

10.17 As well as a Sustainability Statement (within the Design and Access Statement) the applicant provides the following overview of sustainability credentials for the proposal:

- Sustainable and best practice construction techniques will be utilised, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems.
- Design of dwellings to ensure habitable rooms allow sufficient natural light into the room and all dwellings will have access to private garden and garden areas will be fully accessible for disabled occupants, where possible.
- High levels of insulation across all thermal elements within the build and used of thermal block made from sustainable material with a high recycled content and excellent insulation and acoustic absorption properties.
- Implementation of robust procedures to minimise construction waste including measures to share soil and aggregate waste and reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.
- Use of eco-sanitary ware to ensure water efficiency across the scheme.
- Provision of onsite POS and pedestrian and cycle provision and links to ensure delivery of easily accessible and high-quality amenity areas and greenspace and promote health communities and active travel.
- A Travel Plan to be adopted to promote sustainable modes of travel.

10.18 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design

- 10.19 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.20 First considering the site as existing, it is brownfield land with various redundant modern commercial buildings. While it has naturalised in parts, this is around detritus and hard surface, limiting the attractiveness of the vegetation. Overall, the site is considered visually detrimental to the character of the wider area and its redevelopment is welcomed.
- 10.21 There is development to the north, east and west around the site, and the proposal would re-develop brownfield land. Therefore, the proposal would not appear as a rural intrusion (i.e., encroaching into open countryside). However, the land to the south does transition into the rural environment. The siting of the site's main Public Open Space and with a lower density of development as the site falls southward would ensure a reasonable transition between the urban and rural environments.
- 10.22 The proposed layout reflects a typical modern residential estate with a main estate road, with several branching private drives, that dwellings would front onto. Dwellings are well sites within their plots, giving suitable separation to the highway and appropriate side to side spacing. Some portions of the site have a higher concentration of front parking spaces, however, these are not unduly common and are suitably broken up by front landscaping.
- 10.23 The scale of the proposed dwellings is typical for modern dwellings and reflect sizes of units evident around the site. Most units are two-storeys in height, as is predominant in the area, with only a modest proportion of 2.5-storey units. Those 2.5-storey units would host a small front-facing dormer, which would appear unintrusive while keeping their evident height low, therefore not causing these greater height units to appear incongruous or overly dominant.
- 10.24 Architecturally the dwellings have a typical modern vernacular that is not unattractive. The architectural design of dwellings in the area is varied, resulting in no defined character or characteristics; in such a setting, the typical modern attractive vernacular of the proposed units would appear suitably harmonious.
- 10.25 Walling materials are to include a mixture of artificial stone, red brick, and buff brick. The red and buff brick will be predominant, with the artificial stone used at key points / lines of sight. Roofing would be a mixture of red and grey concrete tiles.
- 10.26 Examples of all these materials are evident in the area, and their inclusion would not cause the development to appear incongruous and there is no objection to their use. However, suitable quality materials must be used: a condition is recommended for samples for review by officers. Plots 1 – 4 and 179 – 180 fronts onto Westgate, a prominently natural stone street. In the interest of preserving the character of Westgate and securing a high-quality entrance design, it is considered reasonable and necessary to condition that these given plots be faced in natural stone.

- 10.27 Retaining walls are to feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would rise up to 4.0m (adjacent to the southern commercial development). Their inclusion is necessitated by the varied and sloping ground level within the site. While they would be prominent in the development, more so than in the wider area, they would be kept to a minimal when viewed from the road / public vistas as they are typically between and to the rear of plots. As such, their inclusion would not be detrimental to visual amenity. However, facing materials for the retaining walls have not been provided: a condition for such details, to be approved by officers, to ensure those that are visible are built in a suitably attractive way, is proposed.
- 10.28 In terms of landscaping, it is noted that the proposal includes the removal of all trees within the site. This would include 65 individual trees and 35 tree groups (covering 8,950sqm). This includes 16 trees protected by a Tree Preservation Order. LP33 states that "*Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks*".
- 10.29 The site is in neither the Wildlife Habitat Network or green infrastructure networks. All trees within the site are category C (low / poor quality) or U (unsuitable for retention). Nearly all have grown self-seeded in the last 20 years following the extensive demolition of the previous commercial structures on the site. Given their density and sporadic placement on site it is difficult to envision any re-development of the site which would retain the trees. Given their poor quality and siting within an untidy brownfield site, they are considered to be of limited amenity value individually. Cumulatively they do have a moderate effect on the appearance of the site however. As such their loss is not considered to be a substantial concern, nor contrary to LP33, subject to appropriate mitigation achieving a suitable replacement planting strategy.
- 10.30 The above also applies to the TPO-protected trees on the boundary with Quarry Road too. These trees have been severely pollarded and are in a poor state of health. As a result, they too have little value either as species or as an amenity screen. As such K.C. Trees offer no objection to their removal.
- 10.31 Officers, including K.C. Landscape and K.C. Trees, consider the applicant's indicative landscaping strategy to be acceptable. It proposes 204 standard trees, which is welcomed. This would not, however, achieve a net gain in tree cover – such a requirement would be unfeasible or undesirable, due to it resulting in most of the allocated land being undevelopable. However, the proposed strategy includes re-planting which, while not equalling the tree loss, would result in an attractive and verdant setting. This includes the provision of street trees along the main road, planting within garden areas, and the Public Open Space. The provision of select, heavy and extra heavy standard trees in a range of species which would provide and maximise on food and nectar sources for birds and invertebrates would improve on the overall quality of provision across the application site.

- 10.32 Specific to the TPO trees to be removed, there would not be comparable replanting in that area / along Quarry Road. Only nine new trees are shown on this boundary and all are within the rear gardens of the new properties so the likelihood of these trees achieving maturity is limited. The layout does not leave enough space for a planting strip along Quarry Road and such a planting strip would need to be privately managed or removed from gardens and adopted by the Council. A reduction in garden sizes is not welcomed and repositioning plots would have unacceptable knock-on effects. While the reduction of tree cover on Quarry Road will change its character, given the overall level of re-planting and suitability of the landscaping, officers do not offer an objection.
- 10.33 Notwithstanding the above the landscape details are indicative and lack management and maintenance details. A condition for a fully-detailed strategy, to include management and maintenance details, is therefore proposed. A condition for specific details of street trees is also recommended.
- 10.34 In summary, the proposed works would notably change the character and appearance of the site and wider area. Nonetheless, the site is in a visually poor state and the proposed development is considered to be well designed to a high standard. The proposal would represent an attractive continuation of the residential environment, while appropriately transitioning to the rural landscape to the south. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

Historic environment

- 10.35 The site is not within a Conservation Area. The properties at 1, 2, 3 Lower Blackup (Grade 2 Listed) are located circa 100m south of the site (although due to the open space to the south, there would be over 150m between the Listed Building and proposed dwellings).
- 10.36 1, 2, 3 Lower Blackup are a historic farmhouse, hosting a section from circa C.17 and another from C.18. Its heritage value is considered to be its architectural form, historic use, and its setting in much of its original farmland.
- 10.37 The proposed development would not directly affect the fabric of the listed building but would be visible within its setting. However, there would be a reasonable separation distance between the development and the listed building. Furthermore, the site is brownfield and has been extensively developed in the past. The site is in a poor state and the development would raise its visual attractiveness. Given the proposal would re-develop brownfield land, would not encroach upon the existing fields around the farmhouse, officers are satisfied the proposal would have a neutral (potentially beneficial) impact upon 1, 2, 3 Lower Blackup as a heritage asset.
- 10.38 In light of the above, the proposal is deemed to comply with LP35 of the Kirklees Local Plan. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. The proposed development also complies with this.

Residential Amenity

- 10.39 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. There are numerous neighbouring properties to the north, east and west of the development arrayed around the site, notably the rear elevations of properties on Clare Road to the east, the rear of properties which front Taylor Street, and a flat above a commercial unit on Lime Street.
- 10.40 All proposed separation distances between existing and new dwellings comply with the minimums outlined within the Housebuilders Design Guide SPD. This is specifically 21m between facing habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions). As set out within the SPD, due regard must be given to whether topographical differences necessitate a greater distance than the minimum: while topography varies through the site, there are deemed to be no instances where topography would require greater than the minimum separation distances between existing and proposed dwellings.
- 10.41 It is noted that planning permission ref. 2018/93329 granted permission for six dwellings along the north-east boundary (on land currently addressed Cleckheaton Hand Car Wash, 75 Westgate). The permission expired January 2022 and officers have seen no evidence to suggest it was implemented, however for completeness due regard has been given to potential impacts between the previously approved dwellings and those proposed: in summary the respective layouts are compatible and would not result in poor amenity for prospective occupiers.
- 10.42 Retaining walls would feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would rise up to 4.0m (adjacent to the southern commercial development). While somewhat substantial in sections, the tallest retaining walls would be on the south and would abut commercial properties, thereby not harming residential amenity. Retaining walls along the east boundary, onto the boundary with Quarry Road and therefore visible from the rear of properties on Clare Road, would be an acceptable distance away and not unduly large, to prevent harmful overbearing or overshadowing from the retaining walls.
- 10.43 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.44 Given the adequate separation distances shown by the proposal to existing dwellings, officers are satisfied that there would be no harmful overshadowing, overbearing, or overlooking, nor other harm to 3rd party residents' amenity, caused by the development.
- 10.45 Consideration must also be given to the amenity of future occupiers.

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

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
205 Bungalow / 2-bed	3	64.66	61
T1 / 2-bed	49	74.88	70
T2 / 3-bed	75	85.75	84
CT-933 / 4-bed	11	86.68	84
AH5 / 4-bed	42	115.76	103

- 10.48 All units meet or exceed the NDSS standards. All would have well-proportioned habitable rooms that are served by good sized windows that provide a clear outlook and level of natural light. The Council does not hold policies relating to garden sizes: nonetheless, officers are satisfied that garden sizes are commensurate in scale to their respective host dwellings and overall, the proposed dwellings would offer a suitable standard of amenity for occupiers.
- 10.49 Public Open Space of 14,214.24sqm, consisting of amenity green space, natural / semi-natural green space, and a Local Equipped Area of Play (LEAP) (details of the LEAP and its implementation recommended to be secured by condition) would be provided on site and would contribute to the amenity of future residents, as well as those in the area. This is a sizable provision, although does not account for all required typologies (excluding allotments, parks and recreation, and outdoor sport). To offset the shortfall a contribution of £202,174 is required, to be spent in the local area. However, the applicant has provided a viability assessment relating to financial contributions, which is considered full in paragraphs 10.92 to 10.102.
- 10.50 There are commercial units to the north, east, and south of the proposed dwellings which represent possible noise pollutants. Development should seek to avoid new residential dwellings coming into conflict with existing businesses undertaking established reasonable operations (NPPF paragraph 187 is relevant here).

- 10.51 The application is supported by an Acoustic Report which has been reviewed by K.C. Environmental Health. The report identifies that noise pollution is an issue for the site. However, appropriate mitigation has been considered and demonstrated to effectively ensure dwellings would have adequate internal noise levels. A condition to ensure these mitigation measures (glazing specifications) are adhered to is recommended, alongside a condition for ventilation systems for units with mitigation: this is to ensure rooms may be ventilated without opening windows. The report also considers noise levels within external amenity areas (i.e., gardens): again, at baseline issues would be present, however adequate mitigation (acoustic fencing) has been demonstrated to be feasible. Comprehensive site wide details are not provided, therefore a condition requiring full details of where acoustic fencing, and to what specification is recommended. Subject to these conditions the proposed development would not suffer from undue noise levels from adjacent business, in accordance with Local Plan Policy LP52.
- 10.52 To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Highways

- 10.53 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.54 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.
- 10.55 First considering traffic generation, a proposal of 180 dwellings is expected to generate the following movements:

	Arrival	Departure	Two-way
AM Peak	21	93	114
PM Peak	68	27	95

Note that the above includes a reduction in the traffic from the site's existing commercial unit.

- 10.56 The above trip rate information is acceptable and is considered to provide a robust assessment of development traffic impact, and demonstrates that the development would generate circa 114 and 95 additional two-way vehicle trips on to the local highway network during the AM and PM weekday peak periods respectively. In terms of distribution, K.C. Highways accept the applicant's modelling, and offer the following summary of junction impacts:

Westgate site access / Westcliffe Road stagger priority junction: No capacity problems at the junction through additional traffic.

Parkside / A638 Dewsbury Road / St Peg Lane signalised crossroads: No capacity problems at the junction through additional traffic.

A638 Bradford Road / B6121 Hunsworth Lane / Whitechapel Road signalised crossroads: Predicted to be overcapacity due to traffic growth and committed development traffic, even before the proposal's traffic generation is included. As would be expected, when additional development traffic is added, the modelling indicates that junction capacity would be further exceeded. The development has been estimated to generate 56 and 47 two-way vehicle trips at the junction during weekday AM and PM network peak periods, which equates to less than 1 vehicle per minute. This would be less than a 3% increase during either peak period, which would be well within daily variations. As such, K.C. Highways concludes that there would be a negligible impact on the operation of the junction associated with the development and would not be regarded as severe in isolation. Consideration was given to whether any improvements could be made to the junction: due to the restricted nature of the adopted highway around the junction, no physical improvements could be undertaken and the junction currently uses the latest equipment. Therefore, no improvements are feasible.

- 10.57 Concluding on the traffic impact of the proposal, based on the junction modelling assessments that have been provided, it has been identified that development traffic can generally be accommodated on the local highway network without any significant capacity impacts. Notwithstanding this, additional development traffic would have an adverse impact on the operation of the A638 Bradford Road / B6121 Hunsworth Lane / Whitechapel Road signalised crossroads. However, the traffic impact from the development is not considered to represent a severe impact in accordance with the tests set out within at paragraph 111 of the NPPF.
- 10.58 As part of a previous approval at the site in 2010 there was a requirement to upgrade the existing Zebra crossing on Westgate, adjacent to Stone Street, to a signalised crossing. This was to promote walking and improve safety. Improvements remain necessary, however have been reviewed in light of modern standards. Under modern standards a Zebra crossing is considered preferable, however with upgrades to be undertaken (to include replacement High Friction Surfacing (HFS) on both approaches, and High Intensity LED beacon units): these have been shown by the applicant and their provision may be secured via condition.

- 10.59 In addition to the above improvements, similar improvements are sought to the Zebra crossing on Westgate located to the east of the Hightown Road junction (circa 450m from the site). This is to help to mitigate the impact of additional development traffic on Westgate and to help address two rear shunt type collisions that have occurred within the vicinity of the crossing (including a rear shunt incident that resulted in a pedestrian collision). These improvements may likewise be secured by a planning condition.
- 10.60 The site's access would be formed over / would incorporate the (unadopted) Stone Street, via a priority-controlled T-junction. The design has been subject to detailed input from K.C. Highways DM. It is noted that the proposed junction arrangements include a junction stagger distance with Westcliffe Road of only 17.2m, which is below that recommended junction stagger distance contained in the Kirklees Highway Design Guide (between 22.5 to 45m is recommended, depending on road type). However, this matter has been addressed by the provision of swept path analysis, which has confirmed that right turning vehicles from each junction can safely pass. This matter has also been specifically identified to the Stage 1 Road Safety Audit (RSA) Team as part of the agreed RSA Brief, and the subsequent Stage 1 RSA has not raised any concerns with the proposed junction spacing, or any other significant issues that cannot be adequately addressed at the detailed design stage. Therefore, the proposed access arrangements are considered acceptable.
- 10.61 Progressing to the internal road arrangements, the submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at Section 38 stage. It is deemed to comply with the standards of the Highway Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition.
- 10.62 All dwellings would have a level of dedicated off-road parking in accordance with the Highways Design Guide SPD. In terms of visitor parking, the Highway Design Guide recommends one per four dwellings, or 45 for the proposal. To demonstrate this, the applicant has provided swept path analysis to confirm that the 45 visitor cars, consisting of 29 dedicated spaces and 16 on-street, can safely park within the site without causing obstruction to the Councils refuse vehicle. The provision of the dwelling and dedicated visitor parking bays may be secured via condition.
- 10.63 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles through the site. Several shared private drives are proposed. Each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas may be secured by conditions. Given the scale of the development, which will likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services will not access roads prior to adoption (or while construction work is continuing) therefore appropriate arrangements must be considered and implemented.

- 10.64 Given the scale and nature of the development officers recommend a Construction Management Plan (CMP) be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is recommended by planning officers.

Sustainable Travel

- 10.65 Policy LP20 of the Kirklees Local Plan states '*The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.*'
- 10.66 The application is supported by a Framework Travel Plan which provides initial review and proposals relating to promoting sustainable travel methods.
- 10.67 The site is within walking and cycling distance of various amenities and services. This includes the local centre of Cleckheaton, the centre of which is circa 800m away from the site. Within a 2km walking catchment are various facilities, including Cleckheaton Centre, including its bus station, shops, various shops and recreational facilities. Continuous footways are present along the Westgate carriageway and there are number of Public Rights of Way in the area supporting pedestrian movements. Extending to a 5km cycle catchment includes the centres of Gomersal, Liversedge, and Scholes and the facilities they provided.
- 10.68 PROW SPE/93/20 runs along Brick Street, to the west of the site. This continues southwards, into the open space. While development would back onto it, the amenity and function of the PROW would not be materially impacted upon by the proposal. The proposal includes a connection onto the PROW which is welcomed. A condition requiring details of the PROW connection path, and securing its delivery, is recommended. A similar condition is recommended for the footpath onto Quarry Road, in the north-east of the site, to promote pedestrian movements.
- 10.69 Considering public transport, the A643 Westgate is a bus route, with stops available within easy walking distance of the site (less than 400m), with the eastbound stop accessible via the existing zebra crossing located to the west of the site access. The stops cater for the 200, 254, 259, 263 and AL1 services that provide frequent bus services (circa 4 per hour during weekdays, plus weekend and evening services) to Heckmondwike, Brighouse, Dewsbury, Bradford and Leeds, and interchange opportunities at Cleckheaton Bus station.

- 10.70 West Yorkshire Metro advised that improvements to the existing bus stop facilities should be provided, including Real Time Display at the eastbound stop (ref: 14086) at a cost of £10,000.00 and a new shelter with Real Time display at the westbound stop (ref: 14085) at a cost of £23,000.00. The total cost would be £33,000.00 and should be secured via a Section 106 agreement. West Yorkshire Metro also advised that a contribution of £40,920 be secured towards sustainable travel incentives to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This has been discussed and agreed with the applicant, to be secured via S106. However, viability considerations are outlined in paragraphs 10.92 to 10.102.
- 10.71 With regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.72 The site is considered to be within a sustainable location. Furthermore, the proposal includes highway improvements that will promote walking towards local facilities as well as a contribution towards public bus infrastructure. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of policy LP20.
- 10.73 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Drainage and flood risk

- 10.74 The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy which has been reviewed by K.C. Lead Local Flood Authority. Comments have also been received from Yorkshire Water and the Environment Agency.
- 10.75 First considering flood risk, the principal source of flooding near the site is Blacup Beck, to the south. The beck runs along part of the south boundary, before entering the site as a culvert. As a result, part of the site is within Flood Zones 2 and 3 generated by the beck. In allocating the site, the Local Plan allocation states that there should be 'no residential development within flood zone 3'. This has been adhered to, with no residential development proposed within flood zone 3. The front driveways of plots 64 – 69 are shown to be within flood zone 2, with the houses themselves in Flood Zone 1. This would not be contrary to policy.

- 10.76 Due regard has also been given to the impacts of climate change on the flood zones. Notwithstanding all dwellings being within Flood Zone 1, standing advice is that finished floor levels are set 600mm above the water level. Due to the site's level and the proposed regrading, the lowest finished floor level is proposed at 96.150m, therefore having 1.45m clearance. Nonetheless, a condition requiring that development be done in accordance with the mitigation measures, for reassurance, is proposed.
- 10.77 The Environment Agency (EA) have reviewed the proposal and have objected on two grounds. The first, due to the proposal including re-grading works within Flood Zone 2, the EA require compensatory storage (for flood water) to be provided. The applicant provided details of this, which the EA queried. Secondly, the EA seek clarification on methods to prevent the culvert being blocked. The applicant has responded to these points: officers are awaiting the response from the EA, and this will be provided within the update to members. Nonetheless, given the nature of these concerns, officers are satisfied that they do not amount to fundamental issues preventing approval of planning permission.
- 10.78 Regarding Blacup Beck, it is partly culverted through the site. Local Plan policy LP27 seeks for culverts to be opened as part of applications, where feasible, which was originally proposed by the applicant. This is to promote natural drainage. However, following discussions between officers, the EA, and the applicant, it was concluded this was not desirable. The culvert, at present, holds back water and acts as a throttle. To remove the culvert would lead to flood risk being moved downstream. The downstream watercourse is already prone to flooding. Therefore, it is not considered appropriate to de-culvert. A condition for survey work and undertaking any works to the culverted section is proposed.
- 10.79 Progressing to surface water management, a surface water drainage strategy has been submitted by the applicant. The applicant has followed the drainage hierarchy in proposed to discharge surface water in Blacup Beck. This would be at a discharge rate of 26.5l/s, which is appropriate for a brownfield site. Calculations have been provided to demonstrate adequate attenuation requirements, including climate change allowances. The LLFA accepts the details provided, however advise that a condition for full technical details of the drainage strategy be secured via condition. This is deemed reasonable.
- 10.80 On exceedance event flood routing, concerns raised by the LLFA have been discussed with the applicant. Via the latest plans, these concerns have been adequately addressed and demonstrate no prohibitive issues relating to flood water routing. Nonetheless, it is recommended that a condition be imposed requiring full updated details to be provided and implemented.
- 10.81 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. This is to extend to the Blacup Beck crossing the site, in accordance with LP29.
- 10.82 Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.

- 10.83 Yorkshire Water have objected to the proposal on two main grounds. There are various Yorkshire Water pipes under the site they seek to protect. The first is due to the landscaping strategy showing trees within the exclusion zone of several of the pipes. This has been addressed by the applicant via an updated indicative landscape strategy. This could also effectively be controlled via the proposed full technical details on landscaping. The second reason is that, following amendments to the proposal, previously shown pipes and notes relating to their diversion have been omitted / changed. The applicant has responded directing Yorkshire Water to where the information is, and have updated their plans to make it clear.
- 10.84 Notwithstanding Yorkshire Water's objection, officers are satisfied that recently-submitted details from the applicant address the concerns. Alternatively, the concerns could be adequately addressed via condition. However, Yorkshire Water have not yet responded to either the applicant or officer's consultation request. An update on the matter may be provided within the update to Members.
- 10.85 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the KLP and Chapter 14 of the NPPF.

Ecology

- 10.86 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.87 The application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. Overall, the site is determined to support a modest range of habitats. However, from the suite of protected species surveys undertaken at the site to support the application, the proposed development is predicted to have no significant impacts on any ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately-worded planning conditions.
- 10.88 The application's Biodiversity Net Gain metric calculates that post-development, the development will result in a 32.37% net loss (loss of 6.64habitat units), whilst 3.2 hedgerow units will be created at the site, resulting in a net gain of 172%. It is considered that all options to maximise the availability of habitat units within the site and the wider area have been exhausted. As such, off-setting will be required in order for the development to achieve a biodiversity net gain. In order for the development to achieve a net gain, 8.69 habitat units will need to be delivered. Commuted sums are calculated on the basis of £20,000 per habitat unit (national average taken from DEFRA's latest BNG impact assessment) plus a 15% admin fee (as detailed in the BNG technical advice note). Therefore, a commuted sum of £199,916 would be required in order for the development to achieve a 10% biodiversity net gain. This would be used for ecological enhancements within the area by the Council.

- 10.89 Notwithstanding the off-site contribution, the proposal would deliver some habitat units on site. A condition for an Ecological Design Strategy, to detail their delivery, is proposed along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years. A condition for a Construction Environmental Management Plan: Biodiversity is also recommended, to ensure construction activity is managed in a considerate way.
- 10.90 Invasive non-native species (Giant Hogweed, Himalayan Balsam, Japanese Rose) were found on the site. Therefore, a condition for an invasive species management plan is recommended, to avoid spreading invasive species.
- 10.91 Subject to the given conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of LP30 of the Kirklees Local Plan.

Planning obligations

- 10.92 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.93 The following represents a policy-compliant set of Section 106 financial obligations for the proposal:
- Affordable Housing: 36 units (20%), consisting of 20 (55%) as affordable rent and 16 (45%) as intermediate, to include 9 (25%) first homes.
 - Public Open Site (off-site contribution): £202,174
 - Education: £357,733
 - Ecological Net Gain (10%): £199,916
 - Sustainable Travel: £135,070 (£33,000 shelter and real time improvements, £92,070 Mcards, £10,000 Travel Plan monitoring).
- 10.94 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site Public Open Space and management / maintenance arrangements for the drainage (prior to adoption), management for the culvert, open space, and ecological features.
- 10.95 The applicant has provided a Viability Assessment seeking to demonstrate that the proposal would not be viable if a full suite of Section 106 financial planning obligations were imposed upon them. The Government's planning practice guidance provides the following overview of the Viability Assessment process, for context:

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and

infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.

- 10.96 The applicant's viability assessment has been reviewed by an independent viability assessor (Align) appointed by the Council, to advise officers on this specialist subject. The key matters of dispute identified by Align are as follows;

Adopted House Prices: The applicant claims units will sell for £240 per square foot. This would achieve a revenue of £41,616,480 for the developer based on the units proposed. Align believe local circumstances dictate a higher price of £245 per square foot could be achieved. This would achieve a total revenue of £42,483,490.

Abnormal Costs: The applicant calculates all abnormal costs associated with developing the site to come to £7,902,606, with a contingency of 5%. Align have disputed the cost for Piling and Ring Beam, reducing the total abnormal costs to £7,422,606, and considering a contingency of 3% more appropriate.

Benchmark Land Value: The applicant proposed that the Benchmark Land Value is £2,937,355. Due to the poor state of most of the buildings, along with other differing views of the land's value, Align have identified a Benchmark Land Value of £1,486,271.

- 10.97 Planning Practice Guidance indicates that a profit level of 15-20% of gross development value is generally considered to be a suitable return to developers. There are a number factors that determine what a reasonable level of profit might be, including the availability of development finance, the state of the market and the consequent risk in proceeding with schemes, as well as development values and demand. In determining the appropriate level for an individual development, regard is had to the individual characteristics of that scheme.

- 10.98 Using their calculated figures, Align have reached the following conclusion on viability, using a surplus above percentage profit value, provided at different profit levels as guidance:

Profit Level	Surplus Value
15% profit on GDV	Surplus of £2,798,835.
17.5% profit on GDV	Surplus of £1,929,188.
20% profit on GDV	Surplus of £1,050,335.

10.99 Based on the above surplus figures, even at the lower 15% profit level it is accepted that the scheme could not provide the full Section 106 financial contribution package. However, it is considered that a reduced Section 106 package may be sought without making the scheme wholly unviable. To determine the value of the reduced package, due regard must be given to what is a reasonable level of profit value for a specific proposal. This should be between the identified 15 to 20% margin, which is ultimately a decision for the decision maker. Furthermore, it must be acknowledged that viability assessment is partly a subjective process based on professional views on the costs of development and likely sales values.

10.100 Officers have negotiated with the applicant to reach an agreeable position on the contributions. In summary, officers and the applicant have agreed a figure of £1,239,272 as a reasonable and fair contribution. Officers advise that this be spent as follows, although again the final decision on this rests with the Committee as decision maker:

- **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units) (valued at £936,585.72)
- **Open space off-site contribution:** £59,770.28
- **Metro enhancements:** £33,000 towards bus stop improvements
- **Sustainable Travel:** £10,000 towards travel plan monitoring
- **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified;

10.101 It should be noted that, while the applicant has agreed to the above, they also require the agreement of the landowner which has not been confirmed at the time of writing. This will be reported in the update.

10.102 Notwithstanding the proposed arrangements, it is acknowledged that this viability process has been based on costs and assumptions that are subject to change. To ensure that any windfalls (such as higher sales values, or lower construction costs) do not result in unexpected profits without reasonable contributions being secured, a review mechanism is proposed for an additional viability assessment partway into the build process of the development. This is to ensure contributions may be secured on any windfall profits.

Other Matters

Air quality

10.103 An Air Quality Assessment has been submitted in support of the application. The proposed development site is not located within an Air Quality Management Area (AQMA) but is approximately 1.5 miles from Kirklees Councils (AQMA) 7 Liversedge, which incorporates Huddersfield Road (A62), Bradford Road (A638), Wakefield Road (A638), Wormald Street and Well Street, in Liversedge. This was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). The site is located adjacent to the A643 Westgate where there is the potential to expose future sensitive receptors to elevated pollution concentrations due to increased road traffic emissions.

- 10.104 The proposed development has the potential to impact the existing air pollution levels at nearby sensitive receptor locations because of additional road vehicle exhaust emissions during the operational phase. This potential impact is considered at length within the applicant's AQIA, following the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance. The report concludes that pollutants attributed to the proposal would be negligible and not significant at all sensitive receptor locations within the vicinity of the site: the applicant's methodology and conclusion have been reviewed and supported by K.C. Environmental Health.
- 10.105 Notwithstanding the above, mitigation measures are proposed within the AQIA. This includes provision of EVCP (1 per dwelling) and promoting a Travel Plan to promote alternative methods of travel. The provision of 1 EVCP per dwelling may be secured via condition, and a travel plan has been provided and reviewed in paragraphs 10.66 to 10.73.
- 10.106 The main emissions during construction are dust and particulate matter. A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken. It found that, with no mitigation, dust and particulate could harm human health. However, the report identifies that these impacts can be reduced through the implementation of mitigation measures. A condition requiring the development to be done in accordance with the mitigation measures is recommended, to ensure the harm is reduced to being not significant.
- 10.107 Subject to the given conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

Contamination

- 10.108 In accordance with LP53, as a major residential development consideration of ground contamination is required. Furthermore, Council records indicate the site as being potentially contaminated due to its proximity to historic collieries and brickworks. The application is supported by Phase 1 (desktop) and Phase 2 (site investigation) Contaminated Land reports which have been reviewed by K.C. Environmental Health.
- 10.109 The Phase 1 report's conclusion has been accepted, however, the Phase 2 report provides inadequate assessment relating to ground gas and other technical matters for Environmental Health to support the conclusion. Accordingly Environmental Health recommend conditions relating to further ground investigations and the re-submission of the Phase 2 report. Subject to the imposition of these conditions, officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

- 10.110 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. A condition for a lighting strategy for private areas (i.e., shared driveways that won't benefit from street-lighting) is recommended. Subject to this, the proposal is considered to comply with policy LP24(e).

Minerals

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

Representations

- 10.112 Officers consider all matters raised within the public representations to be addressed within the report.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks the residential development of the majority of a Mixed-Use allocation. However, the excluded land would remain in commercial use. The proposed density and housing mix is considered acceptable and, overall, the re-development of this brownfield site is welcomed.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and protected trees, have been addressed through the proposal.
- 11.4 The proposal has been assessed considering material planning considerations and found to be acceptable. Viability issues have been demonstrated to prevent a fully policy compliant suite of Section 106 financial obligations, however a reduced contribution has been negotiated and agreed with the application which would assist in mitigating local impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Material samples to be provided for approval.
4. Notwithstanding submitted details, plots 1 – 4 and 179 – 180 to be faced in natural stone.
5. Retaining wall materials to be submitted and approved.
6. Full technical landscaping strategy to be provided.
7. Technical details of street tree planting to be provided.
8. Construction Environmental Management Plan (C(E)MP).
9. Details of the Local Equipped Area of Play to be provided, approved, and implemented.
10. Acoustic Mitigation Measures to be implemented.
11. Details of Ventilation Systems, for units with acoustic mitigation, to be provided and implemented.
12. Parking spaces, both dwelling and visitor, to be provided.
13. Waste collection points for shared drives to be provided.
14. Details and implementation of improvements to x2 Zebra Crossings on Westgate.
15. Details of cycle storage, per unit, to be provided.
16. Phased delivery waste management strategy.
17. Construction Management Plan (CMP).
18. Development done in accordance with FRA climate change mitigation measures.
19. Watercourse assessment of Blacup Beck.
20. Drainage strategy details to be submitted and approved.
21. Flood routing details to be submitted and approved.
22. Temporary drainage arrangements during construction.
23. Potential Yorkshire Water conditions to address Yorkshire Water concerns (to be detailed in the update).
24. Detail and provision of connection points onto PROW SPE/93/20 (Brick Street) and Quarry Road.
25. 1 EVCP per dwelling.
26. Development done in accordance with Dust Mitigation Measures.
27. Details of acoustic fencing for gardens to be provided and implemented.
28. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
29. Ecological Design Strategy (EDS) to be provided.
30. Construction Management Plan: Ecology (CMP: Ecology).
31. Invasive Species Protocol.

Background Papers

Application and history files

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93567>

Certificate of Ownership

Certificate B signed.

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