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Wednesday 24 July 2024

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 1 August 2024**.

(A coach will depart the Town Hall, at 10:00 a.m. 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 "S Lawton".

Samantha Lawton

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 James Homewood (Chair)
Councillor Ammar Anwar
Councillor Bill Armer
Councillor Paul Moore
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

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

D Bellamy
D Hall
J Taylor
C Holt

Green

K Allison
A Cooper
S Lee-
Richards

Labour

M Ahmed
S Ullah
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
PA Davies
J Lawson
A Munro
A Marchington
A Smith
C Burke
D Longstaff
A Robinson

Community

Alliance
A Zaman

Kirklees

**Community
Independents**
JD Lawson
A Arshad

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting and details of substitutions and for whom they are attending.

2: Minutes of the Previous Meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on 20th June 2024.

3: Declaration of Interests and Lobbying

9 - 10

Members will be asked to say if there are any items on the Agenda in which they have any disclosable pecuniary interests, any other interests, or been lobbied, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations/Petitions

The Committee will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Planning Applications

11 - 12

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

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 29th July 2024.

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

8: Site Visit - Application No. 2021/91507

Planning Application 2021/91507 for Reserved Matters pursuant to outline permission 2014/91831 for the erection of 55 dwellings, formation of access public space and associated infrastructure on Cockley Hill Lane, Kirkheaton, Huddersfield.

Ward affected: Dalton

Contact: William Simcock, Planning Services

Estimated time of arrival on site: 10:15 a.m.

9: Site Visit - Application No. 2021/92527

Planning Application 2021/92527 for the erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure on land off Cockley Hill Lane, Kirkheaton, Huddersfield.

Ward affected: Dalton

Contact: William Simcock, Planning Services

Estimated time of arrival on site: 10:30 a.m.

10: Site Visit - Application No. 2023/93704

Planning Application 2023/93704 for the erection of 10 dwellings and associated works at land northwest of Urban Terrace, Denby Lane, Grange Moor, Huddersfield.

Ward affected: Kirkburton

Contact: William Simcock, Planning Services

Estimated time of arrival on site: 11:00 a.m.

11: Planning Application - Application No: 2022/93306

13 - 38

Planning Application 2022/93306 for the erection of 11 dwellings, formation of new access road and associated landscaping and open space on land adjacent to 894 Huddersfield Road, Ravensthorpe, Dewsbury.

Ward affected: Dewsbury West

Contact: Ellie Thornhill, Planning Services

12: Planning Application - Application No. 2021/91507

39 - 70

Planning Application 2021/91507 for Reserved Matters pursuant to outline permission 2014/91831 for the erection of 55 dwellings, formation of access public space and associated infrastructure on Cockley Hill Lane, Kirkheaton, Huddersfield.

Ward affected: Dalton

Contact: William Simcock, Planning Services

13: Planning Application - Application No. 2021/92527

71 - 102

Planning Application 2021/92527 for the erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure on land off, Cockley Hill Lane, Kirkheaton, Huddersfield.

Ward affected: Dalton

Contact: William Simcock, Planning Services

14: Planning Application - Application No. 2023/93704

103 -
124

Planning Application 2023/93704 for the erection of 10 dwellings and associated works at land northwest of Urban Terrace, Denby Lane, Grange Moor, Huddersfield.

Ward affected: Kirkburton

Contact: William Simcock, Planning Services

Planning Update

An update report providing further information on matters raised after the publication of the agenda will be added to the online agenda prior to the meeting.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 20th June 2024

Present: Councillor James Homewood (Chair)
Councillor Ammar Anwar
Councillor Bill Armer
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Paul Moore

- 1 Membership of the Committee**
Apologies were received from Councillor Paul Moore.
- 2 Minutes of the Previous Meeting Resolved –**
That the minutes of the meeting of the Committee held on 16th May 2024 be agreed as a correct record..
- 3 Declaration of Interests and Lobbying**
Councillor Homewood declared that he had been lobbied in respect of Application 2023/93449.
- 4 Admission of the Public**
All items were considered in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Site Visit - Application No. 2022/91477**
Site visit undertaken.
- 7 Site Visit - Pre- Application 2024/20252**
- 8 Site Visit - Application No: 2023/93449**
- 9 Site Visit - Application No. 2023/92191**
- 10 Planning Application: Application No: 2023/92191**
The Committee considered Planning Application 2023/92191 for the erection of residential development for 62 dwellings including grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping on land at Cliff Hill, Denby Dale, Huddersfield

Strategic Planning Committee - 20 June 2024

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillor Tim Bamford and Will Simpson.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Emma Dimbylow, Quinn Little, Sarah Ogden, Neil Denby, Nicola Tiffany, Jack Little, Richard Littlewood and Nigel Thorpe (in objection) and Mark Lane (on behalf of the applicant).

Resolved –

That the application be refused for the following reasons:

The proposed development, due to its scale, location, proximity to residents, and due to its associated remediation would cause an unacceptable number of vehicle movements and environmental impacts associated with the removal of coal from the site. In addition, due to unknown conditions beneath the site, there is a lack of information that prevents it being ascertained what the environmental impacts of the development would be. Furthermore, it has not been demonstrated that the site is suitable for residential development.

The proposed development is therefore contrary to policies contained within the Kirklees Local Plan and the National Planning Policy Framework. (Details of the relevant policies/chapters to be specified by the Head of Planning and Development).

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

For: Councillors Anwar, Armer and Thompson (3 votes)

Against: Councillors Homewood and Pinnock (2 votes)

Abstain: Councillor Sokhal.

11 Planning Application - Application No: 2022/91477

The Committee considered a hybrid planning application (2022/91477) for the erection of an industrial unit for B2 /B8 use, with ancillary office space and associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(b),B2 and B8, with ancillary office space and associated works Land off Lindley Moor Road, Lindley, Huddersfield

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

Resolved –

(1) That approval of the application and the issuing 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:

Strategic Planning Committee - 20 June 2024

Full Permission

1. 3 years to commence development
2. Development to be done in accordance with plans
3. Technical details of road and access (including footpaths)
4. Solar panels to be provided
5. Material samples to be provided and approved.
6. Remove Permitted Development rights for alterations (i.e., new windows) on south elevation
7. Internal, external, and plant noise mitigation to be implemented (subject to update).
8. Submitted finished floor levels to be adhered to.
9. External lighting to be as per submitted plans
10. Crime mitigation measures to be submitted and approved.
11. Drainage strategy to be done in accordance with Flood Risk Assessment.
12. Footpath on frontage to Lindley Moor Road to be provided.
13. Site southern boundary wall to be set back 1.5m to widen Public Right of Way (PROW), with technical details to be provided.
14. Landscaping strategy, including management and maintenance arrangements, to be submitted and approved.
15. Cycle facilities as proposed to be provided

Outline Permission

1. 3 years for Reserved Matters to be submitted, 2 years for reserved matters development to be commenced
2. Development to be done in accordance with plans
3. Restaurant to be E(b) use only.
4. Limit on retail floor space of unit D, Da and E's trade counter.
5. Each Reserved Matters phase to include a Climate Change Statement
6. Floor space not to exceed Area Schedule
7. Each phase to have its own Heritage Impact Assessment
8. Crime mitigation measures per phase
9. Lighting strategy to be submitted per phase.
10. Restaurant Reserved Matters to include an odour assessment.
11. Lighting strategy per Reserved Matters phase
12. Noise Impact Assessment, to include hours of operation, per reserved matters phase
13. Noise limitation of external plant per unit.
14. Details of Layout, per phase, to include updated drainage strategy complying with indicative strategy and flood routing from outline
15. Details of layout to include cycle facilities.

Shared

1. Air quality mitigation measures including Electric Vehicle Charging Points, prorated based on floor space to the identified value, to be detailed and implemented.
2. Construction Environmental Management Plan per phase
3. Construction Ecological Management Plan per phase
4. Biodiversity Management Enhancement Plan per phase
5. Temporary surface water during construction per phase

Strategic Planning Committee - 20 June 2024

6. Development to be done in accordance with remediation
7. Validation report to be submitted per phase.
8. Waste storage and collection details to be provided per phase

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

- (i) Ecological net gain off-site contribution: £9,200.
- (ii) Travel plan monitoring: £15,000
- (iii) Sustainable travel contribution: £10,000 towards bus stop improvement
- (iv) Signal Timing Monitoring at Ainley Top: £24,000 (£12k x 2, at 50% and 100% occupation)
- (v) Skills and education plan: Detailed strategy to be provided and implemented
- (vi) Management and maintenance arrangements: Drainage (unless adopted), on-site habitat (min 30 year).

(2) That, in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution, the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and, if so, the Head of Planning and Development 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock, Sokhal and Thompson (6 votes)

12 **Planning Application: Application No 2023/93449**

The Committee considered Planning Application 2023/93449 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 Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth, HD9 2RL.

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 the issuing 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, together with additional conditions in respect of:

Strategic Planning Committee - 20 June 2024

- (i) HGV vehicle movements shall be restricted to 16 (8 in and 8 out) until the approved new access road has been completed and made operational in accordance with details having been submitted to and approved in writing by the MPA. Thereafter the HGV movements shall be restricted to no more than 30 (15 in and 15 out).
- (ii) a scheme to record vehicles entering and leaving the site

Time limits/restrictions

1. Period of mineral extraction (to cease by 31st Dec 2028) and completion of site restoration (by 31st Dec 2030), in accordance with an approved restoration scheme
2. Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction is abandoned/ceases
3. Requirement to have all approved documents on site for the duration of operations for inspection
4. Mitigative measures recommended within the PEA be applied including the protection for nesting birds during work on the site, as described within Section 7.7 of the submitted PEA
5. Submission of Biodiversity Net Gain (BNG) using the most up to date BNG Metric calculation
6. Full recommendations, mitigation and monitoring measures of the submitted Hydrogeological Risk Assessment (HRA) to be employed at the relevant stages of the development, as specified in the HRA. written verification to be submitted to MPA before continuing onto each stage, verifying works done fully in accordance with HRA.
7. Restriction on depth and extent of mineral workings in accordance with plan HRA and cross-sectional drawings

Plans

8. Works to be carried out in accordance with approved details/plans

Access and Vehicular Movements

9. Restrictions on numbers of heavy vehicle movements (to not exceed 15 in and 15 out) any one day
10. HGV's to follow route as shown on HGV routing plan ref (10193/S106Traffic route/CJB)
11. There shall be no increase in HGV movement as approved, until reconstruction of the unsealed "maintained in character" only section of Cartworth Moor Road, subsequent to an initial joint inspection with site operator/council representatives have been carried out. Specification details for verges, drainage run offs and passing places shall be submitted to and approved in writing by the MPA and works completed (at the cost of the applicant/site operator) in accordance with approved details. Thereafter six monthly joint inspections with site operator/council representative, to be carried out and any defects observed shall be rectified at the cost of the applicant within an agreed timescale by the MPA.
12. There shall be no increase in HGV movement, as approved, until a joint survey with an appropriate Council representative and site operator/applicant has been carried out to assess the existing condition of the highways along the HGV route. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining details. Thereafter works shall be completed in accordance with specification details to be submitted to and

Strategic Planning Committee - 20 June 2024

approved in writing by the MPA and subsidised by the annual highway maintenance fees. Subsequently, six monthly joint inspections with site operator/council representatives, to be carried out until site is fully restored. Any defects observed shall be rectified within an approved timescale and subsidised by the annual highway maintenance fees.

13. Within 1 month from the date of permission being granted details of wheel bath to be submitted and approved in writing by MPA. The wheel bath shall be provided in the location approved before bringing into operation the new approved access road and thereafter be maintained in good operational condition and used for wheel cleaning for the lifetime of the permission.
14. HGV wheels and chassis to be cleaned before entering highway
15. All loaded HGVs leaving the site to be sheeted
16. Permanent closure of existing vehicular access, details of which shall need to be approved by MPA and implemented up on bringing into use the new access road
17. Plan showing parking provision for quarry associated vehicles/traffic within the application red line
18. Reinstatement of bridleway in accordance with details to be submitted and approved and approved timescale

Preparatory Works

19. Screen bunds to be constructed using on site material only as per submitted details and as per noise assessment

Soil Stripping

20. All topsoils and subsoil to be stripped and stored prior to mineral excavation
21. Plant of vehicles not to cross unstripped areas of the site
22. Following soil stripping the MPA to be advised of volumes of topsoil and subsoil
23. MPA to be given at least 7 days' notice prior to soil stripping operations
24. Soils storage mound to be maintained in good condition grassed within 3 months and maintained to control weeds

Working Programme

25. Requirement to notify MPA at commencement of works involving site preparation, entering a new phase, completion of backfill, completion of phased restoration, completion of final restoration

Restoration

26. Notwithstanding submitted restoration plan an amended restoration plan with full details to be submitted and approved with full details including 10 % BNG
27. Submission of soft landscaping details

Soil replacement during restoration

28. No overburden to be removed from the site or stored above existing ground levels
29. Site to be progressively restored as indicated on submitted phases
30. Subsoil and topsoil to be spread at specific depths and to be worked to provide a satisfactory medium for planting
31. The MPA to be given 7 days' notice prior to the spreading of sub soil or top soil
32. Any area of grass seeding fails, it will be re-seeded within the next available planting season

Strategic Planning Committee - 20 June 2024

33. All site infrastructure to be removed including access road with land reinstated to the levels shown on restoration levels drawing
34. Completion of restoration works in accordance with soft landscaping details

Amenity

35. Hours for operation of the quarry in accordance with those suggested by Environmental Services
36. Site operations to comply with stipulated noise levels at site boundary as recommended
37. Site to operate in accordance with dust management scheme to be submitted & approved by MPA
38. No fires or blasting at the site
39. Reporting of unexpected contamination

Aftercare

40. Requirement to provide an outline aftercare scheme
41. Requirement to provide a detailed annual aftercare scheme
42. Requirement to arrange an annual aftercare meeting

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

To restrict HGV movements to no more than 16 (8 in and 8 out) and no working or winning to commence into the:

- extension area south of the existing operational quarry as shown on drawing 10193A/02C, and
- no mineral extraction to extend beyond the approved depth of 323 AOD level as shown on drawing 8973/05, pursuant to planning permission 2012/93305, until;
 - (i) An annual highway maintenance fee of £50,000 (to be split between Kirklees and Barnsley Council) to mitigate against the potential damage and deterioration of the highway infrastructure as shown on HGV routing drawing 10193/S106 Traffic Route/CJB/120324 is received.
 - (ii) The reconstruction of the unsealed “maintained in character” only section of Cartworth Moor Road. An initial joint inspection with site operator/council representatives shall be carried out to assess any defects/works required to verges, provisions for drainage run offs and passing places, with details to be submitted to and approved in writing by the MPA. Thereafter the approved works shall be completed (at the cost of the applicant/site operator) in accordance with an agreed timescale. Subsequently, six monthly joint inspections with site operator/council representative shall be carried out and any defects observed shall be rectified at the cost of the applicant within an agreed timescale by the MPA.
 - (iii) Reinstatement of bridleway in accordance with details to be submitted and approved by the MPA and carried out within an agreed timescale, at the cost of the applicant/site operator).

Strategic Planning Committee - 20 June 2024

- (2) That, 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, 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock and Sokhal (5 votes)

13 **Pre-Application 2024/20252**

The Committee was presented with a pre-application (2024/20252) for demolition and mixed use development at New Mills, Brougham Road, Marsden, Huddersfield

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

Matthew Shepherd (on behalf of the applicant) presented the plans and answered questions from Members.

The position statement was noted.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 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;
- race;
- 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 (as amended) 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 Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2022/93306 Erection of 11 dwellings, formation of new access road and associated landscaping and open space Land adj, 894, Huddersfield Road, Ravensthorpe, Dewsbury, WF14 9HS

APPLICANT

Jalal Rana, Leyton
Homes (Mirfield) Ltd

DATE VALID

10-Oct-2022

TARGET DATE

09-Jan-2023

EXTENSION EXPIRY DATE

01-May-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: Dewsbury West

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

- 1) Biodiversity: An off-site contribution of £15,870.
- 2) Public Open Space: An off-site contribution of £9,161.
- 3) Management and maintenance: The establishment of a management company for the purpose of maintaining shared spaces, the private drive and drainage infrastructure serving the site.

All contributions are to be index-linked.

In the circumstances where the S106 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 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 11 dwellings.
- 1.2 The application is presented to Strategic Planning Committee due to the development not providing all of the planning contributions required in line with local and national planning policy.
- 1.3 A viability appraisal has been submitted as part of the application process and externally assessed. More detail of this can be found within paragraphs 10.84 – 10.89 of the report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises most of site allocation HS63 (allocated for housing) and additional land. The site is 0.75 hectares in size and is of an irregular shape.
- 2.2 The site appears to be grassed area (not previously developed) albeit there is an outbuilding to the western edge of the site. The land is slightly elevated from Huddersfield Road and is currently accessed via an existing driveway that serves 894 Huddersfield Road. The site is bordered by a number of mature trees, some of which are subject to a preservation order.

2.3 Surrounding the site is a mixture of residential properties to the east, northeast and northwest and a commercial yard to the west. The River Calder also runs to the south of the site. To the northwest of the site, is Green Belt Land. The southeastern edge of the site also lies within the Flood Zone 2.

2.4 The site is not within a conservation area or adjacent to any listed buildings.

3.0 PROPOSAL:

3.1 The applicant seeks full planning permission for the erection of 11 dwellings.

3.2 A new access is proposed from the site onto Huddersfield Road. Internally, a new estate road would be provided.

3.3 Dwellings would be arranged along the new estate road, provided as six detached properties and a row of five terraced properties, of which five would be 3-bed and six would be 4-bed. Three house types have been proposed: A, B and C. Materials include artificial stone to the walls with blue slate tiles to the roofs.

3.4 All the dwellings would have off-street car parking.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

2017/92947 Reserved matters application pursuant to outline permission 2013/93196 for outline application for erection of 11 dwellings – Approved.

2015/90863 Outline application for erection of 2 no. dwellings – Approved.

2013/93196 Outline application for 11 dwellings – Approved.

4.2 Surrounding the application site:

A number of planning applications have been submitted at The Swan Service Station including discharge and variation of condition applications, signage applications and tree works applications.

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

5.1 Amendments and additional information have been received regarding the provision of appropriate on site public open space, whilst protecting and retaining as many trees as possible. A viability appraisal has also been submitted with this application.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 Site allocation HS63 relates to 0.51 hectares (gross and net) and sets out an indicative capacity of 11 dwellings. The site allocation identifies the following constraints:

- Potentially contaminated land
- Noise source near site - Noise from road traffic
- Air quality issues
- Part/all of the site is within a High Risk Coal Referral Area

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

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

6.5 Guidance Documents:

- 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, updated 2021)
- Green Streets Principles for the West Yorkshire Transport Fund (2017)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Viability Guidance Note (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

National Planning Guidance:

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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

6.7 Relevant National Guidance and Documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as major development.

7.2 The application has been advertised via site notices, within the press and letters delivered to neighbours adjacent to the application site. Final publicity expired on the 22/12/2022.

7.3 As a result of the above publicity, two representations have been received by local residents. The concerns raised are as follows:

Visual amenity concerns:

- Overdevelopment of the site.
- Some of the houses do not face onto Huddersfield Road, like the existing development, including the new petrol station. Therefore, the development would look better if it faced onto Huddersfield Road.
- I appreciate there is previous outline approval on this site, however this has not been implemented and is not in date. Since the last approval we are now in a new regime of the Local Plan and an updated NPPF. Both of which have a significant focus on design.
- The proposal is not in keeping with surrounding development.
- I appreciate the topography of the area is not ideal and this makes it difficult for the applicant to achieve the maximum potential in particular for units 1 to 6. It's clear that the orientation of units 1 and 2 are facing north east not south like every single other property on Huddersfield Road, which you can appreciate is a very long road.
- The orientation of unit 3 to 6 are facing directly east, again this is not in line with the area.
- The proposal does not match the building line or roof ridge of the existing properties particularly 890-894 Huddersfield Road.
- Lack of soft landscape proposals has also resulted in dominance of hard surfaces and parking.

Residential amenity concerns:

- Concerns regarding the distance between the new dwellings and the existing properties. If they are too close, they will impact on neighbours privacy. Please could the separation distances be confirmed, as even 21m seems a little less to me.
- Overlooking from existing properties into the new builds.

- The design of Unit 7 to 11 seem to be in line with the surrounding properties although the separation distance of unit 11 and the exiting property on the east needs to be considered as the developers agents suggests it's 10.6 metres which falls below the minimum requirement.
- Previous policy may have allowed for prescriptive separation distances, however current policy does not. There is a recommended minimum separation distance of 21 metres between inhabited windows, however the impact on neighbours is still based on site context.
- Unit 1 and 2 with inhabited windows, would have significant overbearing and overlooking harm on the occupants of the properties to the northeast.
- Plot 4 to 6 do not have a minimum separation distance of 21 meters (only 19 meters).
- Once all the above are factored in and the new rules are applied then the development would amount to overdevelopment of the site and the level of amenity space in particular for units 1-6 would not be enough for residents once the separation distances have been factored.

7.4 Responses to the above comments are addressed within this report.

Ward Members:

7.5 Ward Members have been notified of this application, however no formal comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency: The site partly falls within Flood Zone 2 and therefore an environmental permit would be required from the EA to undertake the development. The EA also defer to the LPA in relation to land contamination, biodiversity net gain, and landfill gas.

The Coal Authority: No objection subject to the imposition of a condition regarding the intrusive site investigation works prior to commencement to ensure that adequate information pertaining to ground conditions and coal mining legacy are available to enable appropriate remedial of mitigatory measures are identified and carried out before building works commence on site.

KC Lead Local Flood Authority: In support of the application, as a sequential approach has been adopted so that all properties are in the zone of the lowest flood risk. The submitted material suggests the use of an attenuation basin. However, other submissions show a pond with a permanent water level. As it has been demonstrated that space has been made for water, a detailed design can be secured by condition. This must adhere to the concept of improvement of water quality of surface water discharges to the local aquatic environment directly, or indirectly via public surface water sewer is available. This must be done by a gravity connection. As such, KC LLFA request conditions regarding full drainage details, surface water restriction and attenuation details and a temporary drainage plan. A S106 should also be sought to ensure the maintenance and management of surface water drainage for the lifetime of the development or until adoption.

8.2 **Non-statutory:**

KC Ecology: The submitted PEA determines that the habitats on site (trees, grassland and scrub) are assessed as being of value at site level only, with the coniferous woodland in the eastern section of the site to be retained as part of the proposals. The PEA details that the site provides opportunities for nesting birds and bats. The PEA makes a number of recommendations in order for ecological receptors to be mitigated as part of the proposals. In order to ensure that these measures are incorporated into the scheme, a condition for a CEMP: Biodiversity should be placed on any forthcoming consent. Following on from the recommendation of the PEA, a bat survey has been submitted, which concludes that a sycamore within the to the north west of the site contained a transient roost for common pipistrelle. As such, an appropriate mitigation licence will be required from Natural England. With regards to BNG n, the metric details that the proposed development will result in a net loss of -0.47 Habitat Units (equivalent to a loss of 21.91%) and a net gain of +0.08 Hedgerow Units (equivalent to a gain of 100%). Nonetheless in order to achieve a 10% net gain, an off-site contribution of £15,870 would be required.

KC Highways Development Management: In support of the application subject to conditions being attached to the decision notice. These will be detailed in the latter of the report.

KC Landscape: The information submitted in support of the on-site public open space has been considered acceptable, however, given that the play equipment has been removed from the plans, due to topography and the roots of the protected trees, an off-site contribution of £9,161.00 would be required.

KC Crime Prevention: No objection subject to a condition being attached to the decision notice requiring security measures to be submitted before development commences.

KC Environmental Health: No objection to the application, subject to the relevant conditions in relation to noise report and mitigation scheme, electric vehicle charging points, a construction environmental management plan and land contamination conditions being attached to the decision notice in the case of an approval.

KC Policy: Officers have acknowledged the sites allocation and have set out the required policy in which should be met as part of this application.

KC Conservation and Design: No comments to make on this application.

KC Waste Strategy: Each dwelling has space to accommodate three wheeled bins (1x residual, 1x recycling and, as the properties have gardens, space to accommodate a garden waste bin) to ensure future waste segregation requirements can be met. However, bin collection points should be detailed and therefore a condition to request this information would be attached to the decision notice in the case of an approval. Given that the road is to remain private, bins will need to be transferred to a collection point close to the adopted highway but not left on the footway. If properties are to be occupied before the site construction is complete, provision must be made for temporary waste collection in consultation with the Council's waste teams to ensure that new residents can receive a collection service whilst construction work on the site is still live. RCVs will not enter a construction site.

KC Strategic Housing: Two affordable units are sought for this development. The application proposes a mix of 3- and 4-bed homes which are appropriate for this development. Dewsbury and Mirfield currently has a significant under-provision of 3- and 3+-bed affordable dwellings, which should be addressed by the affordable housing provision for this development. The tenure split should include one affordable or social rent and one first home.

KC Public Rights of Way: No comments received.

KC Minerals: No comments received.

KC Highways Structures: No objection subject to two conditions being attached to the decision notice regarding the implementation of any new retaining walls adjacent to the highway and details of any drainage under the highway footprint.

Yorkshire Water: In support subject to a condition being attached to the decision notice stating that the development shall be carried out in accordance with the Floor Risk Assessment and Drainage Strategy.

The Canal and River Trust: No comments to make.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Other matters
- Representations
- Planning obligations and viability

10.0 APPRAISAL

Land use and principle of development

Residential development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the “pass” threshold is 75%).

- 10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 10.4 The council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.
- 10.5 The site comprises most of site allocation HS63 (allocated for housing) to which full weight can be given. The site has also historically received outline permission for residential development under application 2013/93196, which was followed by a subsequent reserved matters approval under 2017/92947, which lapsed January 2021.
- 10.6 The 11 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan, which carries positive weight in the balance of planning considerations. Substantial weight must also be given to the presumption in favour of sustainable development (applying the 'tilted balance') unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.
- 10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. This is supported by policy 4 of the Housebuilders Design Guide SPD.
- 10.8 In this instance, the site area is 0.75 ha to include land to the south east of the site (outside of the housing allocation). Given the constraints of this land, which is a wooded area with a TPO order, this area is unable to form part of the net developable area. As such, the net developable area is considered to be the housing allocation itself at 0.51 ha.
- 10.9 Therefore 11 units proposed on 0.51 ha would provide a density of 22 dwellings per hectare. Whilst this is below the expected density, the housing allocation acknowledges the constraints on site. The 11 units meets the indicative capacity of the site allocation. The proposed development appropriately takes its cue (at least partly, in terms of quantum, density and layout) from existing adjacent development and it must again be noted that tree coverage is quintessential to the character of this area.

- 10.10 With these matters taken into consideration, although the density falls short of 35 dph (specified (and applicable “where appropriate”) in Local Plan policy LP7), it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.11 Progressing to 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, it must be noted that the council’s SPD was adopted after the housing density and mix was agreed with officers to allow for the viability discussions to take place. Therefore, a pragmatic approach has been undertaken and full adherence to the SPD is not expected.
- 10.12 As is evident, the proposal does not conform to the adopted SPD’s expectations. Instead, the proposal would provide 5x 3-beds and 6x 4-beds which would create a housing mix of 45% being 3-beds and 55% being 4-beds. To comply with the SPD, there would need to be a reduction in the number of 4-beds and the inclusion of 1- and 2-beds. However, given that this application was submitted before the SPD was adopted and provides an acceptable density, the housing mixture proposed on balance can be supported.

Minerals

- 10.13 The site is within a wider mineral safeguarding area relating to 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 need, having regard to Local Plan delivery targets) for it.

Sustainability 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. 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.
- 10.15 The submitted planning statement also acknowledges that “the site is within walking distance to nearby bus stops, the local high street, local schools and Mirfield and Ravensthorpe railway station. Furthermore, the site is in a good location for people wishing to cycle. Within 5km of the site, there is a range of amenities and employment opportunities”.
- 10.16 Regarding the social infrastructure currently provided and available within Ravensthorpe (which is relevant to the sustainability of the proposed development), it is noted that there is a GP surgery, primary and secondary school, cafes and restaurants and local shops/convenience stores, leisure and other facilities nearby, such that many of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

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

Urban Design issues

- 10.18 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 10.19 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

- 10.20 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

- 10.21 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 10.22 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals would be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

- 10.23 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

- 10.24 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.
- 10.25 Firstly considering the site as existing, it is a greenfield site with a number of mature trees surrounding its perimeter. There appears to be a small building/outbuilding to the northwestern boundary, which will be demolished as part of this proposal. The proposed siting of small areas of Public Open Space would be adjacent to the Huddersfield Road, in order to retain some of the site's current character along with the well-established wooded area to the southeast.
- 10.26 The proposed layout reflects a typical modern residential estate with a main road, which turns into a turning head to the northern end of the site. The dwellings appear to be situated well within their plot, giving suitable separation from the highway and appropriate side to side spacing. Driveways are proposed to the side of dwellings where feasible and this would comply with Principle 12 of the Housebuilders Design Guide SPD, which states that car parking should "not dominate street frontages through parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings". To the northern end of the site, parking to the front of the dwellings would be the only practical solution, given that a short row of five terraced properties are proposed. However, these are not unduly common and are suitably broken up by front landscaping where possible.
- 10.27 The proposed scale of the buildings are typical for modern dwellings and appear to be 2-storey in height, albeit the detached properties would have a bedroom within the roof space. Therefore, other than the relatively steep roof pitch for units 1 – 6 the dwellings would be 2-storey in height and would be in keeping with the size of units evident within the area. The overall height of the dwellings would be no greater than 8.8m from units 7 - 11 and 10.5m for units 1 - 6. Whilst officers have some slight concern regarding the size of the roof pitch for the detached dwellings, roof lights would be installed to the rear elevations in order to help break some of this massing up. Therefore, in order to provide the appropriate size of housing for the area, without proposing a 3-storey dwelling, this is considered to be an acceptable solution for the site. As such, on balance, the visual concerns associated with the steepness of the roof pitches of plots 1-6 can be supported.
- 10.28 Regarding architectural form, the proposed dwellings would have a typical modern vernacular, some of which would benefit from a front and rear gable, in order to add some variation to the house types. Dwellings in the area have a varied appearance but can predominantly be identified as the vernacular design of their period of construction, with simple aesthetics. In terms of openings, adequately sized windows are proposed, some of which are to be mullioned. To the rear elevations, the inclusion of larger areas of glazing are proposed. This would accord with Principle 14 of the Housebuilders Design Guide SPD which states that "innovation for energy efficiency is encouraged, particularly for maximising solar gain". All new window frames should be set back into the reveal by 100mm and this can be added as a condition to the decision notice. Roof forms in the area are predominantly gable and therefore the scheme has been designed to include gable roofs, to respond to the local character.

- 10.29 The dwellings would be faced in artificial stone to the walls with blue slate tiles to the roofs. Whilst officers would have preferred natural stone to keep in with the buildings immediately adjacent to the site, it has been noted that the surrounding area has a mix of brick and stone houses and therefore a high quality artificial stone could be accepted in this instance. Nonetheless, a condition would be requested requiring samples of the proposed stone work and roofing materials prior to their use. Window and door samples are also required prior to their installation.
- 10.30 Limited information on the proposed boundary treatments has been provided and therefore, the council would require full details of all boundary treatments, fences and walls at conditions stage, prior to the commencement of development. However, if the existing stone walls were to be retained to the perimeter, along with a fence with planting to all private gardens, this is likely to be considered acceptable.
- 10.31 In conclusion, it is considered that the details provided within this full planning application demonstrates that the development has been designed to sympathetically respond to the character of the area and would comply with the council's guidance documents for residential developments.

Residential Amenity

- 10.32 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable windows that face onto windows of non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
 - For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.
- 10.33 In addition to this, Paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.34 Principle 17 of the council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the 'Nationally Described Space Standards' document (March 2015).

10.35 The site is situated within a mixed use area, with the nearest residential properties being to the north east, known as 890, 892, 892A, 892B and 894 Huddersfield Road and Fir Cottage. The relationship between the application site and these properties, will be discussed in more detail below. To the west is a service station and commercial yard. To the south west of the site is the property known as 891 Huddersfield Road and given its separation distance and orientation, officers are satisfied that there would be no undue impact upon these neighbours amenity. To the north west are the flats at Marmaville Court, which would also not be unduly impacted by this proposal, given the dense tree covers between the sites.

890, 892, 892A, 892B and 894 Huddersfield Road

10.36 The nearest property to the application site is 894 Huddersfield Road. Even in this instance, the separation distances from plots 1 and 2 to the front elevation of these neighbours would be 20m. Their single storey garage with terrace above, would also retain 19m from these plots. As such, whilst this is marginally under the recommended 21m, it is noted that plots 1 and 2 would not have a direct relationship with the front elevation of 894 Huddersfield Road and therefore, there would be no undue overlooking, overbearing or overshadowing.

10.37 Plots 3 and 4 would have a front to side relationship with 894 Huddersfield Road whereby a separation distance of at least 22m would be retained. This is considered acceptable, in order to protect these neighbours' future amenity.

10.38 There would be 39m from the nearest elevation at 392A Huddersfield Road to plot 5 and therefore there would be no detrimental impact upon these neighbours.

Fir Cottage

10.39 Fir Cottage is annotated as The Bungalow on the proposed site plan. It has been noted that this property does not currently benefit from any side openings within its projecting south western gable. There is also a dense hedge row that would restrict any directly relationship between this property and plot 11. Therefore, whilst plot 11 would be a 2-storey property, officers are satisfied that given its relationship with Fir Cottage (i.e., set back further into the site), the separation distance of 10.7m including the property being set in from the boundary by 3.4m, would not result in undue overbearing, overshadowing or overlooking.

10.40 Consideration must also be given to internal separation distances and the amenity of the future occupiers. Internal separation distances meet or exceed the minimums set out within the Housebuilders Design Guide SPD and therefore the proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Housebuilders Design Guide SPD and the aims and objectives of policy LP24 of the Kirklees Local Plan.

10.41 The quality of the proposed residential accommodation is also a material consideration and therefore the 11 units would comprise of six detached properties and a row of five terraced properties. Each unit would meet or exceed the Government's Nationally Described Space Standards and would provide a dual aspect for all residents, in regard to outlook, privacy and light.

Landscaping

- 10.42 The proposed private gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, whilst offering private amenity space for residents, securing a high standard of visual and residential amenity.
- 10.43 A landscaping plan has been submitted as part of this application, detailing three parcels of public open space adjacent to Huddersfield Road. This is considered acceptable and is welcomed by KC Landscape. Nonetheless, further details would be required by the type of soft and hard landscaping and a management and maintenance plan for the open space. This can be secured via condition.
- 10.44 As the proposed development is for 11 dwellings, the scheme triggers the need for open space to accord with policy LP63 of the Kirklees Local Plan. As identified above, there is adequate open space being provided on site, however, when compared to the different typologies, given that no outdoor sport can be facilitated (i.e., children's play) due to the impact the equipment could have on the roosts of the existing trees, this cannot be provided on site. As such, a financial contribution of £9,161 would be required.

Highway issues

- 10.45 Paragraph 114 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 115 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.
- 10.46 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.
- 10.47 KC Highways Development Management have been formally consulted as part of the application process. The officer acknowledges in their response that outline permission and reserved matters approval has already been given for residential use at this site. This application shows the same point of access onto Huddersfield Road as previously approved with the existing access to be closed.
- 10.48 The proposed site plan shows a gated traditional estate with a footway to one side. Whilst officers would wish for this site to be open, rather than gated, in order to provide an inclusive development, should this road be gated then it cannot be considered for adoption and the maintenance of this would be at the future residents' expense. The applicants would therefore need to be make their own arrangements for the future maintenance of this road and this can be done via a private maintenance company.

- 10.49 Notwithstanding the above, the proposed site plan shows the gates to be set back 20m to allow a vehicle to pull off the highway in front of the gates.
- 10.50 Plots 1 to 6 which are 4-bed dwellings are all shown to have three off-street parking spaces, plots 7 to 11 which are 3-bed dwellings are all shown to have two off-street parking spaces, and three visitor parking spaces are proposed. These parking standards are in accordance with recommended standards.
- 10.51 Acceptable forward visibility is shown across the two bends into the proposed road. Sight lines at the site entrance of 2.4m x 70m have also been demonstrated.
- 10.52 Swept paths are shown which demonstrate that a 16.5m refuse vehicle can enter, exit, and turn within the site. Whilst this is acceptable, if the road is to remain private, the council's waste collection vehicle would not enter the site and therefore private arrangements for waste collection would need to be made.
- 10.53 A revised site plan 21/6320/11 rev C has been sought to show the extended footway, sight lines and existing access closed. The right hand turn lane on Huddersfield Road has also been accepted and will be conditioned as per the 2013/93196 outline application (condition 18).
- 10.54 Lastly, the gradients shown on plan ref 21/6320/12 Rev A are acceptable at 1 in 40 at the junction and 1 in 20 throughout the site.
- 10.55 As such, KC Highways Development Management consider the scheme to be acceptable, subject to conditions being attached to the decision notice regarding the internal estate roads, the closure of the existing access onto Huddersfield Road and details of bin collection and temporary arrangements. This is to accord with policy LP21 of the Kirklees Local Plan and the aims of the Highway Design Guide SPD and National Planning Policy Framework.
- 10.56 KC Highways Structures have also reviewed this planning application, raising no objection subject to conditions being applied regarding any new retaining walls adjacent to the highway and details of any drainage within the adopted highway. Should the site not be adopted as per the details above, then there may not be a trigger for this condition.

Flood risk and drainage issues

- 10.57 Chapter 14 of the NPPF and policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.
- 10.58 The application has been submitted Flood Risk Assessment and Drainage Strategy which has been reviewed by the Lead Local Flood Authority (LLFA). Those officers have confirmed that attenuation would be at the lowest point of the site and lower than all properties and therefore exceedance events will not pose a risk to the proposed properties.

- 10.59 With regards to surface water disposal, a connection into a watercourse by directly or indirectly via a public sewer is available. This must be done, however, by a gravity connection. As such, officers do not envisage that a connection to a public combined sewer is required.
- 10.60 The submitted flood risk assessment shows a provisional 2.5l/s discharge rate achieved using a 75mm opening on a flow control device. Whereas Kirklees drainage guidance lists 75mm as an absolute minimum, an opening of close to 100mm is desirable. To achieve this, and given the size of the development, a 3.5l/s discharge restriction can apply for this site.
- 10.61 With regard to attenuation, the submitted information suggests the use of an attenuation basin. However, other submissions show a pond with a permanent water level. As it has been demonstrated that space has been made for water, a detailed design of this attenuation facility can be secured by condition. This must adhere to the concept of improvement of water quality of surface water discharges to the local aquatic environment.
- 10.62 The construction phase of any development can increase flood risk post site strip and that of sedimentation of the local drainage network. Construction activities also present a risk of pollution. The LLFA expect a risk assessment to be carried out to protect names receptors from various activities carried out in the phasing of the construction of this project. This will involve prior to and after any attenuation facility is constructed, so method statements demonstrating an itinerary and schedule of methods and inspections by a nominated person(s) to mitigate risk. Officers expect a development of this size to consider the effects of a 1 in 1 year storm or similar timeline to the build programme. As such, a condition to this effect is recommended.

Sequential test

- 10.63 Alongside the above, the site is partially located within flood zone 2, which would trigger the requirement of a sequential test. Paragraph 168 of the NPPF states that *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'*
- 10.64 Paragraph 003 of the Planning Policy Guidance (Flood Risk Coastal Change) states that *'when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.'*
- 10.65 The LLFA have reviewed the submitted Flood Risk Assessment and Drainage Strategy which sets out the sequential approach taken for this site. In this instance, all proposed properties are in the zone of the lowest flood risk (flood zone 1), and therefore a full sequential test is not required. Any record of flood incidents to the council refer to the opposite side of Huddersfield Road and therefore, the this will not affect the site or be affected by this development. As such, the LLFA are in support of the scheme.

Other matters

Ecological considerations

- 10.66 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.
- 10.67 Furthermore, policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD echo the Local Plan in respect of biodiversity.
- 10.68 A Preliminary Ecological Appraisal (PEA), Bat Survey and Net Gain Assessment have been submitted with this planning application. The submitted PEA determines that the habitats on site (trees, grassland and scrub) are assessed as being at value at site level only, with coniferous woodland in the eastern section of the site to be retained as part of the proposals. The PEA details that the site provides opportunities for nesting birds and bats. The PEA makes a number of recommendations in order for ecological receptors to be mitigated as part of the proposals. In order to ensure that these measures are incorporated into the scheme, a condition for a CEMP: Biodiversity is recommended.
- 10.69 Following on from the recommendation of the PEA with regards to roosting bats, a bat survey report has been submitted with the application. The main conclusions from the report found that a sycamore to the north has a transient roost for a single common pipistrelle. No other roosting bats were found to be present on the site. The immediate and wider area provide good foraging and commuting habitat for all bat species within the local range. From the previously submitted landscaping plans, it is determined that the sycamore tree that contains the bat roost within the northern section of the site is to be removed. Given the above, an appropriate mitigation licence will be required from Natural England to permit otherwise unlawful activities such as damage/ destruction of a bat roost or disturbance to bats. The compensatory measures detailed in section 4.6.1.1 of the submitted bat survey report are sufficient to ensure that the favourable conservation status of roosting bats within the site are maintained.
- 10.70 A Biodiversity Net Gain Assessment has been submitted with this application. The metric details that the proposed development would result in a net loss of -0.47 Habitat Units (equivalent to a loss of 21.91%) and a net gain of +0.08 Hedgerow Units (equivalent to a gain of 100%). For the development to achieve a 10% net gain (meeting the council's aspiration as set out in its BNG technical advice note, and which this applicant has agreed to achieve), 0.69 habitat units would need to be delivered, via off-site compensation. This would require an off-site contribution of £15,870 which would be secured as part of the recommended Section 106 agreement. This provision attracts positive weight in the balance of planning considerations.

Trees

- 10.71 Policy LP33 of the Kirklees Local Plan states that “the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...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”. This is supported by Principle 7 of the Housebuilders SPD.
- 10.72 As identified above, a number of mature trees surround the edge of the application site. The previous planning permission granted on this site has established which trees were of value and there is no deviation from the previous approvals in this application. Trees officers have noted that tree T27, chestnut, was given consent to be felled and replaced under tree work application 2021/94448. This was due to its poor condition. The removal of T26 would also be required regardless of the proposal, however mitigation planning has been proposed. The removal of T10, is not ideal however there is no alternative in order to gain access to the high land at the rear of the site.
- 10.73 The details of tree protection measures in the Arboricultural Method Statement are considered satisfactory and would provide adequate protection of the retained trees. Therefore, provided that a condition of compliance is included, KC Trees raise no objection to the proposal.

Contaminated land

- 10.74 This site has been identified on the council’s mapping system as potentially contaminated land due to it being adjacent a historic landfill site (site ref: 484/5). Contaminated land conditions are therefore considered necessary. A Phase I Geo-Environmental Report by JNP Group dated November 2022 (Reference: S11674-JNP-XX-XX-RP-G-0003) has been submitted in support of the application.
- 10.75 Environmental Health officers have reviewed the aforementioned documents, however, and have noted that the recommendations did not specify the proposed period and frequency of ground gas monitoring. As such, this is expected to be considered given the proximity to the historic landfill (adjacent to the site) and follow best practice guidance. Also, if any shallow coal is encountered, officers would expect the combustion risk from shallow coal to be assessed and quantified in any future Phase 2 report. Therefore, in the case of an approval an addendum to the existing phase 2 report would be required and therefore land contamination conditions are required. This is to comply with policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the NPPF.

Noise

- 10.76 The proposed site is adjacent to Huddersfield Road (A644). There are concerns that future occupiers at the development may be negatively impacted by noise from road traffic whilst inside and outside the property. As such, the applicant must demonstrate that acceptable sound levels can be achieved indoors and in outdoor amenity areas. This can be secured via a condition to comply with policies LP24 and LP52 of the Kirklees Local Plan.

Electric vehicle charging points

- 10.77 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of an electric vehicle charging point for each dwelling. Technical details of the chargers to be submitted would be required at the discharge of condition stage. This is to ensure compliance with policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the NPPF.

Construction activities

- 10.78 The site is adjacent to existing residential properties. All reasonable steps must be taken to minimise and mitigate adverse effects from construction-related activities that may lead to a loss of amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP), a condition to secure this is recommended.

Crime prevention

- 10.79 The West Yorkshire Police's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed layout, but has requested that a condition requiring security measures be attached to the application in the case of an approval. This would include details of boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage, in accordance with policy LP24 (e) of the Kirklees Local Plan.

Representations

- 10.80 As a result of the above publicity, two representations have been received from local residents. Most of the matters raised have been addressed within the report above. However, officers have provided a brief response to the concerns below.

Visual amenity concerns:

- Overdevelopment of the site.
- Some of the houses do not face onto Huddersfield Road, like the existing development, including the new petrol station. Therefore, the development would look better if it faced onto Huddersfield Road.
- I appreciate there is previous outline approval on this site, however this has not been implemented and is not in date. Since the last approval we are now in a new regime of the Local Plan and an updated NPPF. Both of which have a significant focus on design.
- The proposal is not in keeping with surrounding development.
- I appreciate the topography of the area is not ideal and this makes it difficult for the applicant to achieve the maximum potential in particular for units 1 to 6. It's clear that the orientation of units 1 and 2 are facing northeast not south like every single other property on Huddersfield Road, which you can appreciate is a very long road.
- The orientation of units 3 to 6 are facing directly east, again this is not in line with the area.
- The proposal does not match the building line or roof ridge of the existing properties particularly 890-894 Huddersfield Road.

- Lack of soft landscape proposals has also resulted in dominance of hard surfaces and parking.

Comment: *A full assessment of the impact on visual amenity has been undertaken within the committee report. It is considered that the development would represent an appropriate density and a design that would be in keeping with the surrounding area. In this case, it would not be feasible to require the development to line Huddersfield Road due to the existing tree cover on site (which should be retained) and flood risk.*

Residential amenity concerns:

- Concerns regarding the distance between the new dwellings and the existing properties. If they are too close they will impact on neighbours privacy. Please could the separation distances be confirmed, as even 21m seems a little less to me.
- Overlooking from existing properties into the new builds.
- The design of Unit 7 to 11 seems to be in line with the surrounding properties although the separation distance of unit 11 and the exiting property on the east needs to be considered as the developers agents suggests it's 10.6 metres which falls below the minimum requirement.
- Previous policy may have allowed for prescriptive separation distances, however current policy does not. There is a recommended minimum separation distance of 21 metres between inhabited windows, however the impact on neighbours is still based on site context.
- Units 1 and 2 with inhabited windows, would have significant overbearing and overlooking harm on the occupants of the properties to the northeast.
- Plots 4 to 6 do not have a minimum separation distance of 21 meters (only 19 meters).
- Once all the above are factored in and the new rules are applied then the development would amount to overdevelopment of the site and the level of amenity space in particular for unit 1-6 would not be enough for residents once the separation distances have been factored.

Comment: *Officers are satisfied that the development would not have any undue overbearing, overshadowing or overlooking upon any of the immediate neighbours to the site. Adequate separation distances are proposed.*

Financial contributions and planning obligations

10.81 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.

10.82 The following represents a policy-compliant set of Section 106 obligations for the proposal:

- Affordable homes: Two units (1 x affordable/social rent and 1 x first home)
- Public Open Space (off-site contribution): £9,161.
- Biodiversity Net Gain (off-site contribution to achieve 10%): £15,870.

10.83 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) and the private road.

10.84 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.

10.85 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.

10.86 A review of the original viability report submitted was undertaken and contested by the applicant. This was therefore followed up with a meeting and the final key matters of dispute are as follows:

Build costs: The applicants have provided a cost per square meter build cost at the time using BCIS utilising developments of a similar size and nature. This includes a build rate of £1,727/m² for the detached 2-storey dwellings and a rate of £1,287/m² for the terrace properties. Align has noted that a significant time has passed since the second reiteration of the report (12/12/2023) was undertaken and during this period, sales values, costs, market conditions, and finance rates have all changed. Therefore, without a new assessment of the site, their previous costs at the time of writing the report remain. These include a build rate of 1,290/m² for the 2-storey semi-detached units and a rate of £1,517/m² for the detached units. This is a lower rate than BCIS to account for the second floor being built into the eaves.

Preliminary costs: Align considers the preliminary costs to be accounted for within the BCIS, to which the applicant originally disagreed. Upon review, the applicant notes that whilst there is an element of preliminary cost included within the BCIS, they do not agree that the costs should be omitted in full as there would be preliminary costs associated with external works which require an allowance. Therefore, the applicant has reduced the preliminary costs to 3.73%. Align have noted this amendment and concluded that this is reasonable.

Site clearance: The applicants in their final report have reduced the site clearance figure from £275k to £225k, however, Align have reviewed the Cut and Fill (calculating earthworks) spreadsheet and whilst the site area appears correct, the amount of topsoil suggests it is 1m deep, which seems inaccurate. One rate to challenge is bulk excavation, currently at £20/m³. Spons Price Book 2023 (page 209) lists excavation by machine not exceeding 1m deep at £2.66/m³. This would result in a reduction of £62,500, rather than the £50,000 reduction identified by the applicant.

Insurance: The applicant has included developer's insurance costs and building warranty costs in addition to the BCIS rates, as they consider these items to not be considered construction and therefore should be included. Align maintain that all-risk and public liability insurance should be classified as a prelim cost and therefore already included. Align would only expect £1,000 per plot for Building Warranty and £500 per plot for Building Regulations, resulting in a combined reduction of £133,500

Contingency: The applicant has adopted a 5% contingency figure. The risk profile of a developer or scheme can inherently affect the contingency level. In this instance, the applicant has produced a detailed breakdown of abnormal costs, which should help mitigate risks and maintain a low contingency. However, Align acknowledge that costs can increase as development progresses.

The issue of contingency levels remains a matter of professional opinion rather than fact, emphasising the importance of a thorough risk profile assessment. However, Align have adopted a 3% contingency fee.

Purchasers' costs: The applicant has revised their spreadsheet appendix G (including Section 106 contributions) and appendix H (excluding Section 106 contributions) which arrives at residual land value of minus £818,028, whereas without Section 106 contributions, the figure is at minus £586,243. This is set against the actual agreed EUV+ land value of between £160,000 and £300,000 (the applicant's figure) or £304,000 (Align's figure). This has been accepted by Align but does not change their final position which sets out the benchmark land value of £304,200.

Profit: 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.

The applicant has adopted a 17.5% profit level in their amended calculations, which presents a scheme with a shortfall of £818,028 with the Section 106 contributions and £586,243 without them.

Using their calculated figures, Align have reached the following conclusion on viability:

- 15% profit on GDV would provide 20% affordable provision providing two First Homes equating to an almost break-even position.
- 16.75% profit on GDV would provide a 10% affordable provision providing one First Home.
- 16.18% profit on GDV would provide a 10% affordable provision providing one First Home and the off site BNG and POS contributions.

10.87 Based on the above profit levels, officers accept the applicants profit margin of 17.5%, given the small nature of the site, the risks involved in its development, and the small profit margins proposed. A profit level of 16.75% (or 16.18% including the BNG and POS contributions) is not considered reasonable for this site, given its coal mining legacy and the limited housing delivery that has taken place within Ravensthorpe. There is also a significant need to boost supply in this area. The construction of homes in this location would additionally provide more comparables to be drawn upon in order to provide evidence for future viability reviews.

10.88 Furthermore, the council's inability to demonstrate a five-year supply of housing land, coupled with the housing site allocation, is considered to weigh in favour of the development.

10.89 Nonetheless, despite the above, the applicant has confirmed agreement to pay the off-site BNG contribution of £15,870 to provide a 10% net gain and the off-site public open space contribution of £9,161 towards children's play in the area.

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 for residential development under site allocation HS63. Outline permission and reserved matters has been previously granted under applications 2013/93196 and 2017/92947 for 11 dwellings. Whilst this permission has now expired, it is a material consideration that establishes the principle of developing the site for housing.

11.3 Site constraints include 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 Viability issues have been demonstrated to prevent a fully policy compliant suite of Section 106 financial obligations, to which officers agree. However, the applicant has agreed to pay the off-site BNG and public open space contributions, to help mitigate 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 documents.
 - 3) Samples of facing materials.
 - 4) Details/samples of windows and doors.
 - 5) Window frames set back into the reveal by 100mm.
 - 6) Proposed details of internal adoptable roads.
 - 7) Closure of access onto Huddersfield Road.
 - 8) A detailed scheme for the provision of a right turn lane from Huddersfield Road into the site and associated signing and white lining
 - 9) Permeable surfacing to all vehicle parking areas.
 - 10) Submission of a CEMP
 - 11) Submission of an AIP for any new retaining walls/buildings adjacent to the adoptable highway
 - 12) Details of any drainage in the highway.
 - 13) Details of the private arrangement for waste collection.
 - 14) Details of temporary waste storage and collection (during construction).
 - 15) Submission of full drainage details.
 - 16) Assessment of the effects of a 1 in 100 year storm event.
 - 17) Submission of temporary drainage for surface water.
 - 18) Details of boundary treatment.
 - 19) Submission of all hard and soft landscape materials and their management and maintenance.
 - 20) Submission of a CEMP (for biodiversity).
 - 21) Tree protection measures in accordance with Arboricultural Method Statement.
 - 22) Submission of a Phase 2.
 - 23) Submission of a Remediation Strategy.
 - 24) Implementation of Remediation Strategy.
 - 25) Submission of Verification Report.
 - 26) Submission of a Noise Assessment and Mitigation Scheme.
 - 27) Details of EVCP's
 - 28) Details of measures to deter crime and anti-social behaviour.
 - 29) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.

Background Papers:

Application and history files

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2021/91507 Reserved matters pursuant to outline permission 2014/91831 for erection of 55 dwellings, formation of access public space and associated infrastructure Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH

APPLICANT

Richard Floyd, Cockley
Developments Ltd

DATE VALID

12-Apr-2021

TARGET DATE

12-Jul-2021

EXTENSION EXPIRY DATE

31-Jan-2024

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: Dalton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFER the application to the Health and Safety Executive under Section 9 of Planning Practice Guidance (Hazardous Substances). Should the Health and Safety Executive not intervene, then:

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

- 1) Sustainable Transport: Provision of sustainable transport contributions to the total sum of £28,583.50, and Travel Plan monitoring contributions of £10,000.
- 2) Drainage infrastructure: Submission of a plan for the future maintenance and management of all drainage infrastructure.

All contributions are to be index-linked.

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

1.0 INTRODUCTION

- 1.1 This is a Reserved Matters application for a residential development of 54 dwellings. This application is brought to committee (i) at the request of Ward Councillor Musarrat Khan and (ii) because of significant local representation.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located to the south of Cockley Hill Lane and to the east of Shop Lane. The site is situated behind properties fronting onto Town Road that runs to the northwest of the site. The site is 2.5 miles east of Huddersfield town centre, 1.75 miles from Mirfield town centre, and approximately 2.5 miles south of junction 25 of the M62.
- 2.2 The site is located on the edge of the village. The areas to the north and west are predominantly residential areas. To the east there is open pasture. The access to the site is from the north-eastern corner of the site, from Cockley Hill Lane. There are existing private accesses and pedestrian access from Town

Road to the northwest. There is a new residential development adjacent to the southwestern boundary consisting of large, detached houses. The overall area of the site is approximately 1.99ha.

- 2.3 The site itself is primarily open pasture with mature trees to the southwestern boundary and the occasional area covered in brambles. The eastern boundary opens onto similar grassed pasture or grazing land with an indistinct site boundary. It follows a similar ground profile as the site. The area to the west falls away from the site whilst the area to the north tends to fall towards the site.
- 2.4 The site generally falls from the east to the west at an even gradient of approximately 1 in 14 for half of the site but flattens slightly to an average gradient of approximately 1 in 28 for the western half of the site. There is a high point of approximately 146m AOD in the northeastern corner of the site and a low point of approximately 126m AOD in the southwest boundary of the site. There is only a slight fall from south to north across the site.
- 2.5 The site is allocated as HS26 in the Local Plan. The site is bounded by a further housing allocation (HS28) to the south with Green Belt land further south of HS28.

3.0 PROPOSAL

- 3.1 This application seeks reserved matters approval (layout, scale, appearance and landscaping of the site) for residential development pursuant to the outline consent for erection of up to 60 dwellings, the formation of access and associated infrastructure approved under reference 2014/91831 dated 12/04/2018. Following revisions to the submitted scheme which followed detailed assessment of the feasibility of the internal road layout, the current proposals involve the provision of 54 dwellings.
- 3.2 The dwelling mix is broken down as follows:

House type		Number
C2	2-bedroom, affordable	4
C2	2-bedroom, open market	2
C2+	2-bedroom, open market	2
F	3-bedroom, open market	13
J	3-bedroom, open market	2
Q	3-bedroom, open market	5
R	3-bedroom, affordable	7
R	3-bedroom, open market	2
S	3-bedroom, open market	7
E	4-bedroom, open market	6
G	4-bedroom, open market	1
P	4-bedroom, open market	3

- 3.3 The dwelling would comprise 15 pairs of semi-detached houses, a row of three townhouses, and 21 detached houses. The C2+ type is designed to Lifetime Homes standards (see paragraph 10.14 below)
- 3.4 A new access would be formed approximately 10m north of Cockley Meadows. The main estate road would branch off this, forming a loop extending north and then south, continuing to serve what is intended to be “Phase 2” of the development, for which a separate, full planning application (2021/92527 for erection of 29 dwellings) has been made.

- 3.5 The development would involve significant changes in ground levels. The most notable change would be in the middle part of the site, where plots 46-55 would be raised by up to 5m above existing ground level, and a retaining wall of 4m in height built to separate them from plots 37-45 to the west, below the retaining wall. There would smaller net increases in ground level towards the southwestern and northwestern site boundaries.
- 3.6 Most of the new dwellings would be reliant on external parking spaces only. The exception is house type 'P' which would have a single detached garage with two tandem parking spaces in front. The entire layout (Phase 1 and 2) would incorporate 20 visitor parking spaces.
- 3.7 11 units – all type C2 and R – are to be affordable.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site

2014/91831 – Outline application (principle of development plus means of access) for erection of 60 dwellings, formation of access public space and associated infrastructure. Decision issued 12/04/2018: conditional outline permission granted subject to Section 106 agreement covering affordable housing, school places, off-site POS, provision and maintenance of on-site POS. Besides the standard outline conditions, the following matters were the subject of conditions:

- Contaminated land and remediation
- Visibility splays
- Construction access
- Standard drainage conditions
- Biodiversity enhancement scheme
- Scheme of electric charging points
- Qualitative audits for pedestrian routes

4.2 Surrounding Area

Land to the south of the application site: 2021/92527 – Erection of 29 dwellings (full application). Currently undetermined. This is intended to form Phase 2 of a development totalling 83 dwellings of which the application now being considered (2021/91507) comprises Phase 1. Both application sites are under the ownership of the applicant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Officers expressed concerns regarding the proposal as originally submitted.
- 5.2 Negotiations took place to address various issues, which are summarised below:
- Revised drainage information submitted 27/06/2022.
 - Revised plans 22/09/2022 – Re-publicised for public comment by neighbour letter, site notice and press advertisement.

- Revised plans 18/09/2023, revised layout plan 02/11/2023, proposed land drainage plan 08/11/2023 – This set of amendments was re-publicised for public comment.
- Revised plans 18/12/2023, layout and sections 03/01/2024. These were not readvertised since they were not considered to raise significant new issues that would require formal publicity.
- Arboricultural impact assessment and method statement submitted 08/04/2024.
- Additional sections submitted 25/06/2024, amended site layout plan making minor changes to visitor parking 01/07/2024. These were also not considered to require new publicity since they were for purposes of clarification and did not make amendments to layout or house design.
- July 2024: Plan showing amended house types. This increased the number of two-bedroom houses thereby addressing one of the concerns raised by officers and in representations, so further publicity was not considered necessary.

5.3 Based on these final amendments, officers were supportive of the application.

6.0 PLANNING POLICY

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

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

6.2 The application site covers Housing Allocation HS26.

6.3 Site allocation HS26 identifies the following constraints relevant to the site:

- The provision of a pedestrian footway is required across the site frontage
- Site affected by hazardous installations - Syngenta Ltd
- Part/all of the site is within a Coal Referral Area
- Site is of possible archaeological interest.

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **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
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **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
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

- 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 (2017)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), updated December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

- 6.8 The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.9 On 12/11/2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. This includes Policies of the more recently adopted Housebuilders Design Guide SPD.

7.0 PUBLIC/LOCAL RESPONSE

Public consultation

- 7.1 The application was 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. Following the first two sets of amendments to the application it was re-advertised via neighbour notification letter. The first set of amendments were also re-publicised by site notice and newspaper advertisement; in the case of the second set of amendments the scale and nature of the changes were not deemed sufficient to warrant this step being taken. The final amendments were not re-advertised, as they were deemed minor in scale and were not considered to raise substantial new planning issues that would require the opportunity to comment (and in the case of substitution of house types, addressed one of the concerns that had been raised by officers and in letters of representation).
- 7.2 The end date for the final period of publicity was 01/12/2023. Across the three public representation periods a total of 123 public representations were received. Only one of this is a supporting comment; all the others are in opposition or raise concerns.
- 7.3 The following is a summary of the objections / concerns received, grouped under sub-headings:

Highway and transport issues

- Has a traffic survey been conducted at the proposed access? Where this is planned it will cause problems without making a large enough roundabout and moving the exit to opposite Cockley Meadows. Existing junction already dangerous because of fast-moving traffic. Vehicles use it as a cut through from the motorway and to avoid speed bumps on Heaton Moor Road.
- I am concerned about the road safety aspect not only for the access to and from the site on Cockley Hill Lane itself but also the B6118 and the junction with Bellstring Lane is already a renowned accident blackspot. At certain times of the day Cockley Hill Lane is subject to speeding drivers. The junction with Bellstring Lane is already dangerous and difficult to emerge from due to its position on a bend in the road and oncoming vehicles appearing over the brow of the hill.
- Roads in the village get clogged up due to parked cars on the roadside which creates bottlenecks. This issue would become even worse and the increased traffic pollution from stationary cars with their engines running will certainly cause health issues.
- Submitted layout doesn't include bin storage or collection information. Insufficient private parking (some proposed units have only one parking space).
- Have travel plans been formulated in parallel with the development proposals or a Road Safety Audit been undertaken?
- The singular path is well used as people make their way to the bench at the beauty spot - it is too narrow for a wheelchair, buggy or in places a singular pedestrian. It is unsafe for this road to take an increased volume of traffic
- The travel plan for this site doesn't resemble real life, car sharing, bicycles, walking, in reality people with jobs drive cars 4x4's vans motorbikes very few if any would be able to car share due to different shift patterns etc, very few would cycle especially in the winter months on unlit roads.
- There is also an added danger as this road is used extensively by equestrians.
- This site appears to have limited opportunity for connectivity and permeability for pedestrians and other nonvehicular users.
- Not close enough to public transport links.
- The introduction of speed cameras on Wakefield road a few years ago seems to have also increased the volume of traffic through Kirkheaton Via Cockley Hill.
- Has an agreement under Section 278 (S278) of the Highways Act 1980 been sought and approved and a Road Safety Audit (RSA) been submitted by Cockley Developments to Kirklees Council prior to an independent RSA being undertaken and submitted?

Visual amenity and local character

- The existing open land is part of the character of Kirkheaton and also beneficial to local people's mental well-being.
- While the design statement mentions the diversity of housing types and materials in the area I was unable to find any information about the building materials to be used to build the properties. Sympathetic consideration should be given to the fact that this site is almost surrounded by Victorian and early twentieth century stone houses/buildings.

Residential amenity

- Loss of privacy.
- Light blocked by retaining wall.
- No sections have been provided between 8 and 10 Knowle Road and the plots to enable the council to assess the impact of the development on living conditions and privacy.
- Also unclear if gardens are to be stepped.
- Noise and vibration during construction.

Environmental issues

- Loss of semi-natural land and wildlife habitat. Used by barn owls and bats, deer and ground-nesting birds. Since the outline application, nature has taken over and I would argue that the study needs to be done again to re-evaluate the previous findings.
- The site is boggy with many natural springs soaked up by the marsh at the bottom of the site.
- We are concerned that any development of this site should not abut directly with the properties to the NE and W of the site – a suggested separation distance of 10 metres is proposed to allow wildlife corridors to be instated.
- Mature trees should be protected.
- Noise and disturbance during construction.
- If allowed, should have air source heat pumps and solar panels.

Other concerns

- The land is Green Belt.
- Also what provisions have been made to accommodate the residents at over stretched doctors, schools and dentist?
- There are many brownfield sites that could be built on instead, including within Kirkheaton.
- Increased surface run off - this area is a wetland, houses beneath on the slope will be impacted.
- The houses are not needed, Kirklees have already approved substantial developments in Lepton and Fenay Bridge exceeding government targets for housing allocation in the area.
- My house backs directly onto the proposed development field, and from the minor work been done over the years with plumbing, drainage systems, I know for a fact it disturbs, the internal plumbing in our homes, so my question would be is this to be compensated for and rectified by the building firm.
- Not enough detail – e.g. homes for older and vulnerable people and for affordable and social homes.
- Contrary to draft Kirkheaton Neighbourhood Development Plan, which should be taken into account.
- Health and Safety Executive advise against granting planning permission and are concerned about cumulative development within consultation zone.
- Dismissal of previous appeal on three grounds: unreasonable extension of village into open countryside, too close to an existing junction, increased surface water run-off.

- I am generally not in favour of this development on a greenfield site but if it is to go ahead I would like the following to be taken into consideration.
 1. There should be more smaller housing units as was requested by local groups to allow downsizing.
 2. Shop Lane site would be fully developed before approval for Cockley Hill is fully granted.
- It is also inevitable that the construction vehicles will transfer mud on to Cockley Hill which I must point out is a steep hill.
- Loss of agricultural land.
- This plan was originally turned down in 1987. Planning from 2014 had reports done on the land by ARP geotechnical stating it would be a high-risk development and that if approval was ever granted all buildings, road and drives should be drilled and grouted to ensure surface stability.... this is now missing from the current application and nothing has changed in the current circumstances.
- Not safe for development owing to coal mining legacy.
- There are over 3,500 empty homes in Kirklees Council
- We need to raise with the landowner responsibility for collapsed wall on boundary of application site.
- The refusal of permission for development for application 87/60/00192/B1 stands the same today as it did then.

7.4 Representation in support

We have a systemic and ongoing lack of secure and affordable homes in the UK. The council has over 12,000 households registered as being in housing need. Some of these households will include children, disabled people, people who are rough sleeping and other vulnerable individuals. We need to provide a year-on-year supply of decent housing that enables the market to free up affordable and suitable properties for people struggling to access housing.

7.5 Kirkburton Parish Council:

The Parish Council would make the following comments on the application:

The area to the far east of the site (H9) does not have outline planning permission, it is in the Green Belt and the proposal includes felling an area of semi mature/mature trees. This area should be left undeveloped. The Reserved Matters relate only to the 57 houses, which already have planning permission. There are no small retirement units in the proposals, which is the greatest need in the village, as identified in the draft Kirkheaton Neighbourhood Plan: "... ensure that an appropriate mix of housing types is developed; this reflects the need for a substantial increase in the number of affordable homes [20% is requested] and for specific provision to be made to meet the needs of older and vulnerable people, especially through the provision of extra care or specialised support housing.

7.6 The site is within Dalton Ward. The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for lifetime home designs to be incorporated in the section 106 social housing contribution?
- Also, as part of the section 106 request that the PROW KIR8 be repaired and improved.

- We need more information about biodiversity and trees for all three developments which I believe you are going to request.
- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds.
- As you are aware HGVs are restricted on this road. I appreciate this is not a material consideration however please could you highlight this problem to the Highways Development Manager?
- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road.
- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Health and Safety Executive – Advise against granting of planning permission.

Environmental Health and the Coal Authority were consulted on the Outline application and recommended conditional approval. It was not deemed necessary to reconsult them on the reserved matters application. Their advice was incorporated into conditions on the Outline permission where appropriate.

8.2 Non-statutory

KC Highways Development Management – No objection subject to conditions and Section 106 contributions (sustainable transport and travel plan monitoring).

KC Trees – No objection.

KC Ecology – PEA is out of date and application should not be determined until a further walk-over survey has been undertaken.

KC Landscape – No objection subject to conditions and Section 106 contributions.

KC Strategic Housing – Support.

KC Strategic Waste – No objections subject to minor revisions to accommodate refuse collection vehicle (11/10/2022).

West Yorkshire Police Designing Out Crime Officer – Comments and recommendations made, including with regard to home security, lighting and boundary treatments.

9.0 MAIN ISSUES

- Land use and principle of development
- Minerals
- Masterplanning
- Quantum of development

- Housing mix
- Sustainable development and climate change
- Urban design
- Trees and landscaping
- Residential amenity
- Highway and transportation issues
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Land use and 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, housing need and delivery

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.3 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for an application, where applicable, will be set out in the officers’ assessment.
- 10.4 The proposed development lies within housing allocation HS26 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. The development now proposed would be the first of two phases of a housing development that would encompass housing allocations HS26 and HS28. “Phase 1” – the development now being considered – benefits from an extant outline permission. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land

Minerals

- 10.5 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Masterplanning

- 10.6 The adopted development plan at the time the outline application was presented to committee was the Kirklees Unitary Development Plan, which did not strongly emphasise the importance of masterplanning or connectivity between adjacent development sites. Furthermore, neither the site itself nor any adjacent land were at the time, housing allocations.
- 10.7 The site layout proposed however provides for full connectivity with the site and the neighbouring allocation HS28. It is considered that the development upholds the aims of the relevant part of Local Plan policy LP5.

Quantum of development

- 10.8 Local Plan policy LP7 and Principle 4 of the Housebuilders Design Guide (HDG) SPD require 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. Within the Local Plan HS26 is expected to deliver 60 dwellings. Whilst the “indicative capacity” is set out the housing allocation but and in practice a lower density may be appropriate, having regard to the aims of good design as well as practical constraints on the site.
- 10.9 The site area is approximately 1.99ha. Once the access roads are accounted for, the net area of the site would be approximately 1.65ha, resulting in a net density of 33 per hectare. This is only marginally below the recommended 35 per hectare. The number of dwellings that would be delivered by this scheme would be 10% below the indicative capacity. There are, however, constraints on the site which would make it difficult to achieve a higher density, notably the steep gradient which will inevitably require some land-take by retaining walls. These will be considered further where relevant within this report.

Housing mix and affordable housing

- 10.10 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal’s housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2-, 3- and 4+-bed) and form (detached, semi, terrace, bungalow). The Housing Mix and Affordable Housing SPD sets out the recommended housing mix (by number of bedrooms) within each housing market sub-area. The site falls within Huddersfield South sub-area. The Housing Mix and Affordable Housing SPD states within this area, the breakdown of house type by number of bedrooms should be: 30-60% 1- and 2-bed; 25-45% 3-bed, 15-35% 4-bed. In this case, the proposal includes a mix of detached and semi-detached units, with one terraced row (of four units), with the following mix of unit types:

- 2-bed: 8 (14.8%)
 - 3-bed: 34 (63.0%)
 - 4-bed: 12 (22.2%)
- 10.11 The provision of two-bedroom houses for Phase 1 is therefore below the 30% target.
- 10.12 The Phase 2 provision is 8x 2-bed, 15x 3-bed and 6x 4-bed. For the entire 83-unit scheme the breakdown of housing by type would therefore be:
- 2-bed: 16 (19.3%)
 - 3-bed: 49 (59%)
 - 4-bed: 18 (21.7%)
- 10.13 The provision of 2-bed homes across both phases would therefore fall below the 30% lower limit set out in the SPD. However, the approved reserved matters for the site on Shop Lane (which is a project of the same developer and is linked to the Cockley Hill Lane scheme) contains a greater proportion of two-bedroom houses. Once these are added, the provision of 2-bed houses across all three sites is 33 out of 124 (26.6%). This still falls below the recommended lower threshold of 30%. Considering the challenges in developing this site, including the required earthworks and retaining structures, as well as contamination and coal mining legacy issues already referred to, with the resultant abnormal costs, it is considered that the scheme thus achieved contains an acceptable mix of house types.
- 10.14 The latest modifications to the plans have increased the number of 2-bed units relative to the 3-bed units. The increase in 2-bed units is the C2+ house type which is the Lifetime Homes unit. Lifetime Homes is a set of 16 design principles that are intended to make homes more accessible and adaptable, including for people with long-term illnesses or who are experiencing reduced mobility in later life.
- 10.15 Part 5 of the Housing Mix and Affordable Housing SPD sets out the mix of house types that it is recommended be provided as the affordable element in a housing scheme. Within the Huddersfield South sub-area, it should normally be 40-79% 1- and 3-bed, 0-19% 3-bed, 20-39% 4-bed. The proposed provision does not accord with this, offering instead a 36-64% split in favour of three-bedroomed houses for this site. This is however in accordance with the terms of the Section 106 Agreement entered into at outline stage, and Strategic Housing raise no concerns about the mix. Officers accept that whilst not according with recommended balance in part 5 of the SPD, it will make a satisfactory contribution to meeting the demand for affordable housing in the area.
- 10.16 Weighing policies LP7, LP11 and Principle 4 of the Housebuilders Design Guide's requirements against the constraints and relevant planning history, officers do not have concerns over the housing mix or forms proposed. The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the council's housing targets (including the delivery of affordable housing, which has been secured at outline stage) and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, assessed below.

Sustainable development and climate change

- 10.17 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.
- 10.18 The site is within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and the proposed access point is within 200m of Kirkheaton Local Centre which provides various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable. The site entrance is approximately 200m from the bus terminus at the junction of Town Road and Heaton Moor Road which provides a twice-hourly service throughout most of the day. The site is therefore considered to have moderate public transport accessibility and would enable at least some journeys to be undertaken without the use of a private car.
- 10.19 The promotion of carbon reduction and climate change resilience is not classed as a separate reserved matter, but can be incorporated into (and considered under) a reserved matters application or secured by condition in so far as it is relevant to the reserved matters being considered, such as layout and appearance. Adequate cycle storage provision has been shown within the proposed layout, of which can be secured by condition. A scheme of electric vehicle charging points has already been secured by condition. Other factors will be considered where relevant within this assessment.
- 10.20 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. The incorporation of measures into the new buildings to reduce carbon emissions during their lifetime – such as insulation beyond current Building Regulation standards, or microgeneration such as solar panels or heat pumps – would be welcomed, but such measures are not currently required by planning policies in relation to the reserved matters currently under consideration.

Urban design (relevant to reserved matters: scale, layout and appearance)

- 10.21 Relevant design policies include Policies 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*'. These policies are supported by various Principles outlined within the Housebuilders Design Guide (HDG) SPD, of which the following are considered to be particularly relevant to this section:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site’s context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

- 10.22 There are no listed buildings or other designated heritage assets within or adjacent to the site, or that would be visible from it. The proposal is not expected to impact upon the historic environment directly or indirectly.
- 10.23 The site in its present state makes a modest positive contribution to the amenity of the area. The principle of residential development here has, however, been accepted. Established development lying close to or adjacent to the eastern, northern and western edges of the site consists mainly of terraced houses in short rows dating mainly from the 19th century. This includes rows backing onto the site and also those where the gable end of the row faces the site. This development does not form a very hard or well-defined edge to the settlement as in many places there is intervening space used for purposes such as residential gardens. There is also a small modern development comprising four detached houses on large plots.
- 10.24 The proposed development would not be linked to any of the established high-density development by means of direct vehicular access routes, and can be considered a self-contained site. It is considered therefore that it does not need to closely mimic the layout, built form or design details of established development.
- 10.25 The proposed dwellings are considered to be of an appropriate scale, being 2-storey within an area comprising mainly 2-storey houses, and would not therefore dominate their surroundings. It is considered that the layout and density of the development would provide a suitable transition between the high-density development near the core of the village and the open countryside to the south.
- 10.26 The proposed road layout is considered a rational way of maximising the development potential of the site, taking account of the variation in levels. The high retaining wall separating the higher and lower plots would be visible from outside the site but as it would form the division between neighbouring back gardens, and not between residential plots and the street scene, is considered acceptable as a rational response to the gradients within the site which would generally avoid the need for steep road gradients or for a large number of smaller retaining walls throughout the site.
- 10.27 The proposed dwellings would be of modern traditional appearance. They would not closely mimic the local vernacular but would at least reference it, having typically a simple built form, symmetrical double pitched roof, gutters supported by corbels and windows typical of the surrounding area in terms of

their placement and proportions. It is noted that roof pitches would be steeper than most of the established development, but this is judged acceptable since the site is considered to be relatively self-contained and would not be seen as the continuation of existing street frontages. It would thereby comply with the guidance of HDG SPD Principles 5 and 12. The architectural form and appearance of the units are considered acceptable, in compliance with policy LP24 of the Local Plan and the guidance of Principles 14 and 15 of the HDG.

- 10.28 Walling and roofing materials are not specified within the plans or supporting documents. The use of regular coursed natural stone as the principal walling material would be preferred but a high-quality artificial stone may also be acceptable here. It is recommended that the submission of materials for inspection be conditioned. Sections have been provided but the plans do not contain a full set of finished floor and ground levels relative to Ordnance Datum, so for the avoidance of doubt it is recommended that this be conditioned.
- 10.29 Boundary treatments separating the plots and forming their rear garden boundaries where they abut adjacent land are to be timber fences 1.8m in height. This is regarded as satisfactory and can be the subject of a prescriptive condition.
- 10.30 Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the Kirklees Local Plan, and Chapter 12 of the NPPF, and the guidance of the HDG SPD Principles outlined above.

Trees and landscaping

- 10.31 Policy LP33 of the Kirklees Local Plan establishes a principle against the loss of trees of significant amenity value, with further guidance given by Principle 7 of the HDG SPD. There is a belt of mature trees on the north-western margin of the site benefiting from an area Tree Preservation Order. An Arboricultural Survey and Impact Assessment have been submitted. These show the removal of a hawthorn hedge, a single multi-stemmed hawthorn and a beech on adjacent land, all of which are judged to have low amenity value. The AIA and AMS submitted are sufficient in showing that no retained protected trees will be under threat throughout this development. A condition on adherence to the AMS during construction should be imposed as a precautionary measure. The trees scheduled for removal are of low amenity value and their loss is outweighed by the benefit of the development.
- 10.32 The proposed scheme for phase 1, the application now being considered, shows very little landscaping within the site other than domestic gardens. There is some left-over space at the site margins, in particular the western margin between the outer retaining wall and site boundary, and small pockets of space (such as between units 27 and 28). Much of this area is shown on the landscaping masterplan as being sown with species-rich grass. Phase 2, which is a separate application, contains a much greater proportion of new and retained landscaping. Considering the scheme as a whole it is considered that a satisfactory amount of landscaping is provided, taking account of the need to make efficient use of the site.

- 10.33 KC Landscape have requested a condition that full details of landscaping (including species mix and future maintenance) be provided, and a plan for the maintenance of public open space. As there is no public open space shown within Phase 1, it is considered any outstanding landscaping matters could be satisfactorily covered by one condition.
- 10.34 This would ensure compliance with policies LP24, LP32 and LP33 of the Kirklees Local Plan, and Principle 7 of the HDG SPD.

Residential Amenity

- 10.35 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.
- 10.36 Furthermore, the Housebuilders Design Guide SPD sets out several design principles to protect amenity, which will need to be considered when assessing a proposal's impact on residential amenity. These are further supported by policies outlined within Chapters 12 and 15 of the NPPF.

Impact on amenity for existing dwellings

- 10.37 All proposed new dwellings that face towards the site boundaries would maintain at least the minimum 21m from any opposing windows in established residential development and at least the minimum 10.5m from any adjacent undeveloped land.
- 10.38 Near the southwestern boundary of the site, plots A28-35 would be raised up above existing ground levels and the land continues to fall towards 9-10 Knowle Road. It is considered that the distance between existing and proposed development would make the difference in ground levels not such as would have an overbearing impact.
- 10.39 Officers expressed concerns at an earlier stage in the application process about the impact of the retaining wall supporting the new estate road upon 46 Cockley Hill Lane. This property has its principal aspect to the south-west and north-east, but has a historic single-storey extension with a secondary outlook to the south-east, towards what would be the new road and retaining wall. Modifications were made as a result. On the latest version of the plans, the retaining structure would be about 2m high and 800mm higher than eaves level in the single-storey element, as shown on the section. The distance from the main window in the side elevation of 46 Cockley Hill Lane to the retaining structure would, at its closest point, be 10.5m. Whilst a distance of 12m between a habitable room window and a wall is recommended as standard, it is considered that, as this property's main front and rear outlook would be unaffected, the relationship is acceptable.
- 10.40 In conclusion, it is considered that the development would not compromise the amenities of any existing property. There are no shortfalls in the recommended separation distances, and it is considered that the positioning, scale and height of the proposed new dwellings would not result in a significant impact on light or outlook for existing ones.

Residential amenity for occupants of new dwellings

- 10.41 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they are cited within the Housebuilders Design Guide (Principle 16) and provide useful guidance which applicants are encouraged to meet and exceed.
- 10.42 Floorspace figures for each house type are set out within the table below table, from which it can be seen that all house types would meet or exceed the recommended minimum standards:

House Type	Number of bedrooms	Number of units	Proposed (GIA, m²)	NDSS (GIA, m²)
C2	2	6	71	70
C2+	2	2	80	70
E	4	6	146	97
F	3	13	86	84
G	4	1	109	97
J	3	2	126	90
Q	3	5	112	84
P	4	3	111	97
R	3	9	89	84
S	3	7	97	84

- 10.43 The proposed scheme would ensure delivery of two units within this proposal (and a further two within the proposed Phase 2) meeting Lifetimes Homes standards. These are designated C2+ and contain a larger internal floor area than C2. It is considered that this is an additional benefit as it would assist in the delivery of houses meeting the needs of all sections of the community.
- 10.44 Garden depth and size varies throughout the proposed development. It is noted that a few dwellings, notably units 20 and 32, have gardens that are particularly short, being only 6-7m in depth and that attached to unit 18 is reduced to a triangle, tapering to a point at the rear. It is recognised, however, that the layout has been designed taking into account the topographical constraints of the site, and taking a view of the development as a whole that private amenity space is useable, of sufficient size and high quality.
- 10.45 All dwellings would be dual aspect and would be placed so that habitable rooms would be able to receive adequate amounts of natural light, including direct sunlight. The new dwellings would also be placed and configured so as not to overlook each other at close quarters.
- 10.46 It is noted that plots 36-44 would have their rear or eastern outlook affected by the high retaining wall separating them from the higher plots. This might have some impact on their ability to receive morning sunlight, but as the wall is located to the northeast, it is considered the obstruction to sunlight would not be unacceptable. The separation distance would in most cases be 12m or more although units 36 and 38 would be somewhat closer. It is considered on balance that the arrangement is acceptable and would not have a strongly negative impact on these property's living conditions.

- 10.47 As previously noted, 1.8m screen fences are shown at garden boundaries to prevent mutual overlooking.

Environmental and amenity impacts during construction

- 10.48 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is also recommended.

Residential amenity – conclusion

- 10.49 To summarise, the proposed development is considered not to result in detriment 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 LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

Highway and transportation issues

- 10.50 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. The Highways Design Guide SPD outlines expected standards for new developments and their roads. Paragraph 114 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 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Traffic generation, access and impact on highway network

- 10.51 The principle of residential development on this site, consisting of up to 60 dwellings and taking access to Cockley Hill Lane at the point now shown, was accepted at the outline stage and this matter cannot now be revisited. However, it is now proposed that the access would serve both phases of the scheme, amounting to 81 dwellings. A revised Transport Assessment to summarise the total traffic generation associated with the development has been prepared and submitted by Paragon Highways (ref 702F) dated October 2023.

- 10.52 The Transport Assessment predicts 62 and 55 two-way movements, at morning and evening peak respectively, to arise from a development of 84 dwellings. Highways Development Management considers the trip rates utilised to be acceptable in this respect utilising a priority give way arrangement as proposed. Suitable visibility demonstrated, no further concerns are raised regarding this from a highways perspective.

Internal layout and parking

- 10.53 The internal layout has now been designed in accordance with the council's Highway Design Guide SPD. This follows negotiations on the internal estate road including ensuring the proposal is suitable for adoption in terms of suitable gradients appropriate visibility splays and forward visibility and a suitable level of off-street parking. The applicant has provided suitable swept path information regarding access for refuse collection vehicles.

- 10.54 The development provides sufficient off-street parking for each type of dwelling in accordance with the council's SPD and the provision of visitor parking at a ratio of one space per four dwellings is also provided and considered acceptable.

- 10.55 Each dwelling would have a designated bin storage area within its curtilage for three refuse containers. Bin presentation points are also incorporated into the layout in such a way that bins can be put out for collection without obstructing the public highway.

Cycling and sustainable transport

- 10.56 Highways Development Management have assessed the application and have concluded that conditional approval can be given to the reserved matters subject to the developer entering into a Section 106 Agreement to provide sustainable contributions to the total sum of £28,583.50 and Travel Plan monitoring contributions of £10,000. Planning officers agree with this approach. Each property, it is noted, is shown to have its own cycle store. Specifications should however be conditioned.

Construction management

- 10.57 A development of this scale should normally have a Construction Management Plan secured via condition to ensure the development does not cause harm to local highway safety and efficiency. This is in fact already covered by condition 11 of the outline approval. KC Highways Development Management have also advised that a 'highway condition survey' be undertaken, and that this be secured 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.

Highways and access – conclusion

- 10.58 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highways Design Guide SPD.

10.59 The following conditions have been requested by KC Highways Development Management:

- Visibility splays to be provided and wall set back behind rear of visibility splays;
- Details of junction of estate road with Cockley Hill Lane to be submitted;
- Travel plan to be submitted;
- Full scheme of adoptable estate roads;
- Details of temporary waste collection arrangements;
- Cross-sectional information and design details for retaining walls;
- Cross-sectional information and design details for surface water attenuation features within the proposed highway footprint; and
- Highway defects survey pre-commencement, and post-development, with a scheme to rectify any subsequent defects

10.60 The condition for visibility splays is already covered by a condition on the outline approval. The other conditions listed above are considered to be appropriate as they would ensure that the development layout functions well and that the safety of both future and existing highway users is safeguarded.

10.61 KC Highways Development Management also request a financial contribution to sustainable transport and travel plan monitoring. This is also considered reasonable, in the interests of ensuring that opportunities for travel by means other than the private car are maximised, but would need to be incorporated into a Section 106 Agreement.

Drainage and flood risk

10.62 The site is deemed to lie within Flood Zone 1 according to the council's Strategic Flood Risk Assessment and Environment Agency Flood Risk Assessment. A Flood Risk Assessment and drainage strategy was submitted with the outline application. It acknowledged the possibility that the overlying clays and underlying mudstones and sandstones of the middle coal measures would not support infiltration systems but that further investigation would be carried out to assess this. In the event that an infiltration system was found to be unsuitable then the flows from the site would have to be attenuated to agricultural rates to ensure that downstream sewers and land drainage systems downstream of the site would not be overwhelmed leading to localised flooding. Methods and capacity of stormwater attenuation systems and points of discharge would be determined at a later stage.

10.63 The drainage scheme design now being considered has been devised through a long period of negotiation between the developer and Kirklees officers including those of the Lead Local Flood Authority.

10.64 One feature of the site that has been noted is the presence of an existing drainage outfall west of 36-38 Cockley Hill Lane – this discharges onto the site which therefore has to act as a soakaway. This, it is believed, is the main source of the marshy conditions on the lower part of the site, especially the area south-east of 8-10 Knowle Road. The drainage strategy that has been devised takes this into account, in providing a field drainage system to collect water from this damp and low-lying part of the site which will then discharge to a culverted watercourse west of Shop Lane.

- 10.65 This watercourse would also provide the means of surface water disposal for the 41-dwelling development on the former mill site west of Shop Lane approved under application 2021/91506. As a condition of granting permission, attenuation is also provided so that run-off from the completed Shop Lane development will be considerably reduced, compared to the situation when the site largely consisted of buildings and impermeable surfaces.
- 10.66 Returning to the present application, the new drainage infrastructure will increase the efficiency of the existing land drainage, but taking into account the substantial attenuation provided as part of the Shop Lane scheme, cumulative peak discharge to the culverted watercourse would not increase.
- 10.67 Meanwhile any new water run-off arising from the development, i.e. drainage from roofs, roads and other impermeable structures, would be directed towards an attenuation basin in the southernmost part of the site, before ultimately discharging to the same culverted watercourse. This would ensure that new run-off arising from the development is attenuated to greenfield levels.
- 10.68 The Lead Local Flood Authority is now satisfied with the overall drainage strategy and layout, and recommends approval. Although not highlighted by LLFA, the case officer recommends that 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 as this is generally regarded as good practice for large housing developments, as the only guaranteed way of ensuring that its functionality is maintained at all times in the future.
- 10.69 Foul water from the proposed development would discharge to the existing combined sewer. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.70 Considering the above, subject to the securing of management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecological issues

- 10.71 Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, state that the council seeks 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.
- 10.72 The outline application was supported by a Preliminary Ecological Appraisal (PEA) comprising a desk-based study followed by a site survey. The latter found that species-poor, semi-improved, neutral grassland occupies around two thirds of the total area covered by the survey, the remainder consisting mainly of former allotments and gardens. It concluded that the main habitats within the site had very limited ecological value, but that the trees and hedgerows mostly to be found at the margins of the site would be of value to birds, bats and invertebrates, and should be retained and protected. A condition was imposed on the outline permission, which remains enforceable, to provide details of ecological enhancement prior to the commencement of development.

- 10.73 KC Ecology have recommended that, as the previous ecological surveys are now outdated by a considerable number of years (best practice guidance states that the lifespan of ecological reports is generally 18-25 months), these should be updated in order to gain a more accurate idea of the site's baseline value so as to achieve a biodiversity net gain. It is acknowledged that the site's biodiversity value may have improved over the past few years since – owing to its largely unmanaged state – there may have been a degree of reversion to a semi-natural state.
- 10.74 However, at the time when outline planning permission was granted, the requirement (established by the Environment Act 2021 and subsequent Planning Practice Guidance) that new development must formally demonstrate a 10% Biodiversity Net Gain was not in force, and the requirement cannot be retrospectively applied to this development at this reserved matters stage.
- 10.75 The relevant original condition remains in force, however, and will have to be discharged by the submission of biodiversity habitat enhancement scheme. The layout of the proposed development means that the possibility of creating substantial areas of semi-natural habitat within Phase 1 (the area to which this application relates) are very limited, although tree planting is indicated, mostly within residential gardens. The Phase 2 layout, however, contains two substantial landscaped areas.
- 10.76 It is therefore considered that viewed as a whole, the proposed development scheme contains ample opportunity to enhance the biodiversity of the site and would thereby comply with the aims of policy LP30 of the Kirklees Local Plan and the guidance of Principle 9 of the Housebuilders Design Guide SPD.

Planning obligations

- 10.77 Paragraph 57 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. Several planning matters were the subject of a Section 106 Agreement at the outline stage, which remains enforceable. For the reasons set out in the relevant sections in this committee report, a new planning obligation covering sustainable transport and monitoring and the future management and maintenance of new drainage infrastructure will need to be entered into.

Other Matters

Air quality

- 10.78 The development is not located within an Air Quality Management Area, nor is it considered to fall within any of the criteria within the West Yorkshire Low Emission Strategy (WYLES) Planning Guidance Document to require an Air Quality Impact Assessment.

Contamination and land stability issues

- 10.79 A large part of the site lies within a Coal Referral Area. The applicant submitted a Phase 1 ground investigation report and an intrusive coal mining survey which were reviewed by KC Environmental Health and the Coal Authority respectively.

The standard conditions were applied and these matters do not require any additional investigation or reports at this stage. The proposal thereby complies with the aims and objectives of Local Plan policy LP53.

Crime Mitigation

- 10.80 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, lighting and boundary treatments, but has not raised any site-specific concerns. All of the comments made will be highlighted in an advisory note on the decision notice, should approval be granted. The site layout allows an adequate amount of passive surveillance of the street to take place. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime in accordance with Local Plan policy LP24(e) and that no specific conditions are necessary.

Health and safety issues

- 10.81 The site lies within the middle zone of a hazardous installation, the Syngenta site. The Health and Safety Executive (HSE) were consulted on the outline permission for this site. They considered that there were sufficient safety concerns to advise against the granting of planning permission but chose not to exercise their power to request a call in from the Secretary of State. HSE further advised that "is strongly suggested that if any changes are made to these aspects after outline permission has been granted, then further advice should be obtained from HSE before reserved matters are determined. For example, if the density or the number of dwelling units in a residential development are increased".
- 10.82 The density or number of dwelling units has in fact been reduced from the outline stage. Since, however, the HSE has been consulted on this reserved matters application, and maintain their advice against the granting of planning permission, the HSE will, if Members resolve that approval should be granted, be notified and given 21 days to decide whether they wish to request a call-in by the Secretary of State.

Representations

- 10.83 A total of 123 representations have been received (not including those of the Parish Council and Ward Councillors). Most matters raised have been addressed within this report. The following are matters not previously directly addressed:

Highway and transport issues

- The singular path is well used as people make their way to the bench at the beauty spot - it is too narrow for a wheelchair, buggy or in places a singular pedestrian. It is unsafe for this road to take an increased volume of traffic
Response: *PROW KIR/8/40, which crosses part of the phase 2 site, would be retained at a minimum width of 2m and would continue to be a segregated pedestrian route except for a short stretch south of B8 where it crosses a turning head. It would not be affected by the new vehicular access.*

- Have travel plans been formulated in parallel with the development proposals? The travel plan for this site doesn't resemble real life, car sharing, bicycles, walking, in reality people with jobs drive cars 4x4's vans motorbikes very few if any would be able to car share due to different shift patterns etc, very few would cycle especially in the winter months on unlit roads.

Response: Paragraph 117 of the NPPF states that “all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.” A full travel plan to maximise the uptake of means of transport other than the private car can be conditioned, although it is acknowledged that there is inevitable uncertainty about the actual uptake since this depends on individual behaviour.

- Has an agreement under Section 278 (S278) of the Highways Act 1980 been sought and approved and a Road Safety Audit (RSA) been submitted by Cockley Developments to Kirklees Council prior to an independent RSA being undertaken and submitted?

Response: A Road Safety Audit was supplied with the application. Agreement under Section 278 of the Highways Act is not necessary for the determination of a planning application as it is a separate process. It is normally dealt with at the post-decision, discharge of conditions, stage, since the type of information required of the developer will be of a level of detail to comply with Section 278 requirements.

Amenity issues

- We are concerned that any development of this site should not abut directly with the properties to the NE and W of the site – a suggested separation distance of 10 metres is proposed to allow wildlife corridors to be instated.

Response: A buffer zone is in fact provided to the northwest and northeast, but for the purposes of a drainage easement.

Other concerns

- The land is Green Belt.

Response: No part of the application now being considered is on Green Belt land.

- Also what provisions have been made to accommodate the residents at over stretched doctors, schools and dentist?

Response: Education contributions were secured at the outline stage, which was for a larger number of dwellings, and the issue cannot be re-opened in the context of a reserved matters application. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services in Kirklees. 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.

- There are many brownfield sites that could be built on instead, including within Kirkheaton.
Response: *There is no basis in current national or local policy for requiring brownfield sites to be developed before greenfield sites and the current housing requirement cannot be met using brownfield sites alone.*
- My house backs directly onto the proposed development field, and from the minor work been done over the years with plumbing, drainage systems, I know for a fact it disturbs, the internal plumbing in our homes, so my question would be is this to be compensated for and rectified by the building firm.
Response: *The development makes satisfactory provision for drainage. In general, the responsibility for ensuring that development does not undermine or adversely affect neighbouring private land. The issue raised here is considered to be a private civil matter.*
- Contrary to draft Kirkheaton Neighbourhood Development Plan, which should be taken into account.
Response: *As the plan is at draft stage, it is considered that no substantial weight can be placed on it. A NDP is unlikely to proceed to adoption stage if not in general conformity with the district-level plan (in this case Kirklees Local Plan).*
- I am generally not in favour of this development on a greenfield site but if it is to go ahead I would like the following to be taken into consideration. 1. There should be more smaller housing units as was requested by local groups to allow downsizing. 2. Shop Lane site would be fully developed before approval for Cockley Hill is fully granted.
Response: *The mix of house types on site has been adjusted during the application process in favour of smaller (2-bed) houses. The Shop Lane proposal and the two phases of the Cockley Hill Lane scheme are physically interconnected, but the council cannot compel the developer to develop the Shop Lane site first. This would not serve a legitimate planning purpose.*
- Loss of agricultural land.
Response: *Decision-makers should only place significant weight on the loss the “best and most versatile agricultural land”, or land in grades 1, 2 and 3a of the Agricultural Land Classification, which this is not.*
- This plan was originally turned down in 1987(87/60/00192/B1) and the reasons still stand.
Response: *A decision from 1987 can be afforded no substantial weight since there have been many changes to the policy context (and other material planning considerations) since that time at both national and local levels.*
- Planning from 2014 had reports done on the land by ARP geotechnical stating it would be a high-risk development and that if approval was ever granted all buildings, road and drives should be drilled and grouted to ensure surface stability.... this is now missing from the current application and nothing has changed in the current circumstances.
Response: *Appropriate actions to ensure that the site is remediated and will be fit to take development, were imposed on the outline. They remain in force and do not need to be repeated here.*

- There are over 3,500 empty homes in Kirklees Council.
Response: *Houses that are temporarily vacant do not count towards housing land supply. In any case, the principle of residential development on this site is already established by its allocation in the Local Plan and by its extant outline permission.*
- We need to raise with the landowner responsibility for collapsed wall on boundary of application site.
Response: *This is noted as a private civil matter.*

10.84 Kirkburton Parish Council:

The Parish Council would make the following comments on the application:

- The area to the far east of the site (H9) does not have outline planning permission, it is in the Green Belt and the proposal includes felling an area of semi mature/mature trees. This area should be left undeveloped. The Reserved Matters relate only to the 57 houses, which already have planning permission.
- There are no small retirement units in the proposals, which is the greatest need in the village, as identified in the draft Kirkheaton Neighbourhood Plan: "... ensure that an appropriate mix of housing types is developed; this reflects the need for a substantial increase in the number of affordable homes [20% is requested] and for specific provision to be made to meet the needs of older and vulnerable people, especially through the provision of extra care or specialised support housing.

Response: *The first comment appears to refer to the linked application on the land to the south, known as Phase 2, which is being considered separately under application 2021/92527. The final version of this proposal allows the retention of most of the trees. It is considered that the proposal now under consideration addresses these concerns, in terms of overall house type mix, and the provision of houses meeting the Lifetimes Homes standards, which will contribute towards meeting the present or future needs of older and vulnerable people.*

10.85 The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for Lifetime Home Designs to be incorporated in the section 106 social housing contribution?
Response: *As noted elsewhere in the report, this has been proposed by the developer. It is considered that as the house types are clearly shown on the submitted plans, they do not need to be incorporated into a Section 106 Agreement.*
- Also, as part of the section 106 request that the PROW KIR8 be repaired and improved.
Response: *Such an action could only be required of the developer if it was deemed necessary in the context of the proposed development, and necessary to render the proposals acceptable in planning terms. Whilst the development may result in more people using the PROW, it is noted that the development will allow it to be retained at a minimum 2.0m width and that overall, pedestrian provision for routes linking Cockley Hill Lane and Shop Lane would be improved. It is therefore considered that such a course of action would not be justified.*

- We need more information about biodiversity and trees for all three developments which I believe you are going to request.

Response: *Further information about trees and landscaping (including reducing the developmental area of the site to allow more retention of trees and semi-natural landscape) was submitted during the application process. These aspects of the development are now considered satisfactory, as noted in the relevant sections of the report.*

- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds. As you are aware HGVs are restricted on this road. I appreciate this is not a material consideration however please could you highlight this problem to the Highways Development Manager?

Response: *The submission of a Construction Management Plan will be required before development can proceed. All factors that are deemed material planning considerations will be taken into consideration in its assessment.*

- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road

Response: *It is noted that Cockley Hill Lane lacks a footway on its southern side, southeast of 52 Cockley Hill Lane. There may be some scope for providing a short stretch of footway either side of the new access along the site frontage although this is not explicitly shown on the drawings.*

- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

Response: *Full details of measures to reduce carbon emissions associated with the development have not been supplied, but can be conditioned.*

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 approval of reserved matters relevant to a residential development on a housing allocation that already benefits from the granting of outline permission. While the proposal does fall slightly below the Local Plan's target density of 35 dwellings per hectare and does not achieve the allocation's indicative capacity, the layout of the development is considered a logical response to the site's constraints. The proposal has achieved a good mixture of housing types. Accordingly, the principle of development is considered acceptable.

11.3 The design and appearance of the proposed development is considered acceptable. There would be no undue material 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 trees, have been addressed through the proposal.

11.4 Furthermore, the development would provide an enhancement to local affordable housing, providing 11 affordable units, and open space, with £36,645 off-site contributions to enhance local public open space facilities, as agreed at the outline stage and already secured by a Section 106 agreement in line with policy LP63 and the council's Open Space SPD.

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 condition.

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

- 1) Samples of all facing and roofing materials.
- 2) Full details finished floor and ground levels within the site relative to Ordnance Datum or an identifiable temporary datum.
- 3) 1.8m screen fences to be erected and retained where shown on the plan.
- 4) Details of junction of new estate road with Cockley Hill Lane.
- 5) Scheme detailing the proposed internal adoptable estate roads.
- 6) Full travel plan to be submitted.
- 7) A scheme detailing the location and cross sectional information, proposed design and construction details for all new retaining walls adjacent to the existing/ proposed adoptable highways.
- 8) A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
- 9) Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under development.
- 10) Cross-sectional information and design details for retaining walls.
- 11) Cross-sectional information and design details for surface water attenuation features within the proposed highway footprint.
- 12) Highway defects survey pre-commencement, and post-development, with a scheme to rectify any subsequent defects.
- 13) Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings.
- 14) Details of cycle stores.
- 15) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority.
- 16) Full details of hard and soft landscaping to be submitted.
- 17) Development to be implemented in full accordance with the approved Arboricultural Method Statement.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91507>

Certificate of Ownership

Certificate A signed.

Link to planning application details for Phase 2:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92527>

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2021/92527 Erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure land off, Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH

APPLICANT

Richard Floyd, Cockley
Developments Ltd

DATE VALID

21-Jul-2021

TARGET DATE

20-Oct-2021

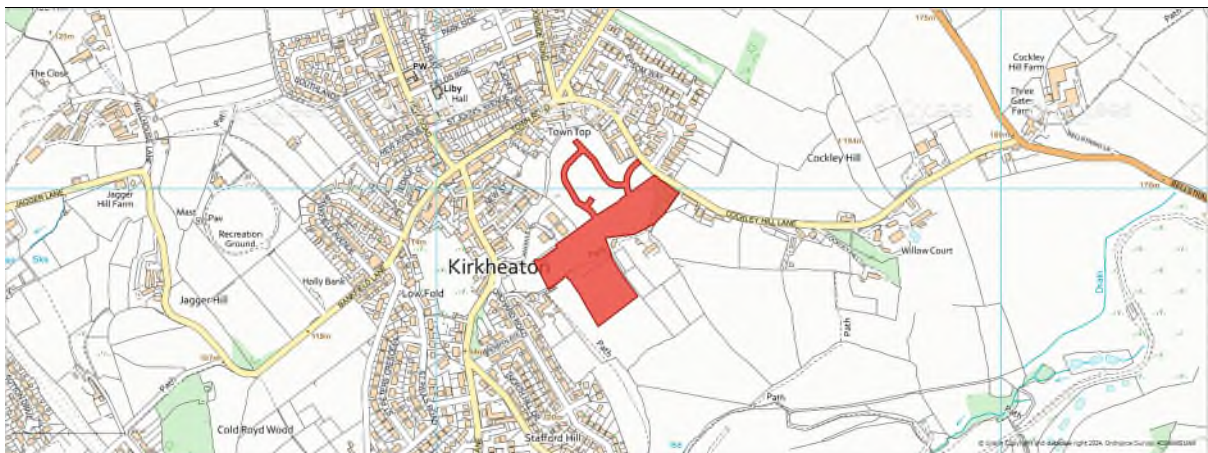
EXTENSION EXPIRY DATE

31-Jan-2024

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: Dalton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

- 1) Affordable Housing: On-site provision consisting of six units.
- 2) Sustainable Transport: Provision of sustainable transport contributions to the total sum of £28,583.50 and Travel Plan monitoring contributions of £10,000.
- 3) Public Open Space: Off-site contribution of £23,352.64 to address shortfall.
- 4) Management and maintenance of drainage infrastructure: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker, and of the site's existing watercourse) and of street trees (if planted on land not adopted).

All contributions are to be index-linked.

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

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission for a residential development of 29 dwellings. This application is brought to committee (i) at the request of Ward Councillor Musarrat Khan and (ii) because of significant local representation.

2.0 SITE AND SURROUNDINGS

- 2.1 The site consists of a plot of land located close to the edge of the built-up part of Kirkheaton. It measures, at its greatest extent, 265m from southwest to northeast, and 160m in width, but is narrower at its northeastern end where it is adjacent to Cockley Hill Lane. The site is 2.5 miles east of Huddersfield town centre, 1.75 miles from Mirfield town centre, and approximately 2.5 miles south of junction 25 of the M62.

- 2.2 The land to the northwest and southeast consists of open pasture. There is some low-density residential development adjacent to part of the northwestern site boundary and semi-natural land with trees adjacent to the southwestern boundary. The site itself is primarily open pasture with areas of scrub, marshy grassland and trees, and there is a belt of trees along the eastern part of the southern boundary continuing across the middle of the site. The site shows a general downward gradient from northeast to southwest, with a fall of approximately 30m. The overall area of the site is approximately 2.5ha.
- 2.3 About two-thirds of the site is allocated as HS28 in the Local Plan. The remainder is designated Green Belt. The site is bounded by a further housing allocation (HS26) to the northwest which is as yet undeveloped but benefits from outline planning permission.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure. This would form phase 2 of a wider development.
- 3.2 The dwellings would comprise 10 pairs of semi-detached houses and 9 detached houses and are broken down as follows:

House type		Number
C2+	2-bedroom, affordable	2
F	3-bedroom, open-market	10
Q	3-bedroom, open market	4
R	3-bedroom, affordable	4
R	3-bedroom, open market	2
S	3-bedroom, open market	1
E	4-bedroom, open market	1
G	4-bedroom, open-market	3
J	4-bedroom, open market	2

- 3.3 The provision of housing by number of bedrooms would therefore amount to:
- 2-bed: 2 (6.9%)
 - 3-bed: 21 (72.4%)
 - 4-bed: 6 (20.7%)
- 3.4 The access would be taken off the new estate road serving the proposed phase 1 of the Cockley Hill Road development, applied for under application 2021/91507.
- 3.5 A substantial part of the site would comprise landscaping. The southern part of the site, a roughly square area of approximately 0.8ha bounded by open fields to the southwest and southeast, and by a large domestic curtilage to the northeast, would host the proposed attenuation basin, which would require some regrading works. An area of formal public open space would be laid out at the southeastern end of the site, including a play area. At the northeastern end, a triangular area of semi-natural land including trees would be retained in its present state, and the belts of mature trees close to the southeastern boundary would be retained. The area to be developed for housing, parking spaces and access roads would be approximately 40% of the site area.

3.6 The houses would be provided with external parking spaces and eight visitor parking spaces would be provided within the layout. The proposed dwellings would comprise a mix of detached and semi-detached houses. Most would have double-pitched roofs and a simple built form, but type J would have small twin dormers and bays at ground floor.

3.7 It is proposed that six units are to be affordable (all types C2 and R).

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site:

None.

4.2 Surrounding Area:

2014/91831: Outline application (principle of development plus means of access) for erection of 60 dwellings, formation of access public space and associated infrastructure. Decision issued 12/04/2018. Conditional outline permission granted subject to Section 106 agreement covering affordable housing, school places, off-site POS, provision and maintenance of on-site POS.

2021/91507: Reserved matters application pursuant to outline planning permission 2014/91831. Awaiting determination. This forms Phase 1 of the proposed development.

4.3 The application sites covered by 2021/91507 and 2021/92527 are under the ownership of the applicant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 Officers expressed concerns regarding the proposal as originally submitted.

5.2 Negotiations took place to address the various issues.

- Revised drainage information submitted 27/06/2022.
- Revised plans 26/09/2022 – Readvertised for public comment by neighbour letter, site notice and press advertisement.
- Revised plans 18/09/2023, layout 02/11/2023, proposed land drainage plan 08/11/2023 – Readvertised for public comment (neighbour letter only).
- Revised house type plans and elevations 18/12/2023, layout and sections 03/01/2024. These were not actively re-publicised since the changes were not considered to raise new planning issues that would require the opportunity for public comment.
- Revised plans 22/09/2022 – Re-publicised for public comment by neighbour letter, site notice and press advertisement.
- Revised plans 18/09/2023, revised layout plan 02/11/2023, proposed land drainage plan 08/11/2023 – This set of amendments was re-publicised for public comment.

- Revised plans 18/12/2023, layout and sections 03/01/2024. These were not re-advertised since they were not considered to raise significant new issues that would require formal publicity.
- Arboricultural impact assessment and method statement submitted 08/04/2024.
- Additional sections submitted 25/06/2024, amended site layout plan making minor changes to visitor parking 01/07/2024. These were also not considered to require new publicity since they were for purposes of clarification and did not make amendments to layout or house design.
- July 2024: Site plan with amended house types. It was not considered necessary to re-advertise since the changes did not change the layout or scale of the development as a whole and partially addressed concerns raised by officers and in representations.

5.3 The original proposal was for 38 units. Based on the reduction in the quantum of development (to allow for the retention and protection of mature trees and to ensure that servicing arrangements would work) and other amendments, officers are supportive of the application.

6.0 PLANNING POLICY

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

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

6.2 Most of the application site covers Housing Allocation HS28 – land to the south-east of Knowle Road, Kirkheaton. It also includes 0.8ha of Green Belt land.

6.3 Site allocation HS28 identifies the following constraints relevant to the site:

- Site affected by hazardous installations - Syngenta Ltd
- Part/all of the site is within a High-Risk Coal Referral Area

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP4** – Providing infrastructure
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk

- **LP28** – Drainage
- **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
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

- 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 (2017)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was 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. Following the first two sets of amendments to the application it was re-advertised via neighbour notification letter. The first set of amendments were also re-publicised by site notice and newspaper advertisement; in the case of the second set of amendments the scale and nature of the changes were not deemed sufficient to warrant this step being taken. The final amendments were not re-advertised, as they were deemed minor in scale and were not considered to raise substantial new planning issues that would require the opportunity to comment [and in the case of substitution of house types, addressed one of the concerns that had been raised].

7.2 The end date for the final period of publicity was 01/12/2023. Across the three public representation periods a total of 46 public representations were received. The following is a summary of the comments received:

Traffic and road safety issues

- Increase in traffic which the local roads are not able to cope with, with more dangers for pedestrians. Cockley Hill Road is steep with limited visibility, also affected by parked cars.

- The volume and speed of traffic on Cockley Hill Lane especially when there is a low sun at the brow of Cockley Hill opposite No 78A would make it almost impossible to make a right hand turn into the two proposed entrances off Cockley Hill into the propose site, without considerable risk.
- There will also be the impact of construction vehicles many of which will be huge wagons delivering materials to the site. This will be a very dangerous time for the residents and people using Cockley Hill Lane, with large vehicles pulling in and out on to Cockley Hill, trying to pass the parked cars, as many residents park their vehicles on the road side and of course the construction vehicles will definitely transfer mud on to Cockley Hill which will cause the road to become very slippery and dangerous.
- Will there be enough parking or access for large vehicles?
- Impact to safety and traffic- what consideration is being made to the local equestrian community? More vehicles = higher risk, especially as Kirklees are unwilling to adequately maintain the limited bridleways we have.
- Residential Travel Plan is unrealistic as it does not sufficiently take account of the steep hills which provide a disincentive to cyclists and the limited public transport, and overestimates the uptake of car-sharing.
- There is a footpath through the site and no provision has been made for this.
- Limited connectivity for pedestrians and other non-motorists.
- If you wish to proceed I would suggest that some form of chicane is built, not speed bumps, to slow the traffic down but consideration should also be given to the residents of Cockley Hill Lane who have to park on the road which makes the area even more dangerous from speeding traffic.

Visual and residential amenity

- Impact on local character and landscape.
- House style not in keeping with locality.
- Impact on privacy and outlook, overbearing impact.
- The retaining walls indicated along the access to 60 Cockley Hill Lane will be of a significant height and would subsequently have a significant adverse impact on the amenity on both 60 & 76 Cockley Hill Lane (09/09/2021).
- If allowed it should be natural stone, not artificial stone or other materials.

Other issues

- It may make land drainage problems worse.
- Impact on local infrastructure such as doctors' surgery and dentist.
- Impact on schools.
- Loss of wildlife habitat including for bats, owls, newts and deer.
- Loss of open land available for public recreation (the retention of footpaths does not sufficiently compensate).
- Loss of mature trees.
- These will be sequestering in the order of 2 tonnes of carbon a year and their destruction will release in the order of 12 tonnes of carbon from the trunk, upper branches, roots and surrounding mycorrhizae. Permitting this is contrary to the declared climate emergency and Kirklees's carbon reduction targets.

- Loss of hedgerows which would provide a visual buffer and noise attenuation.
- The area of marshland which will be destroyed by the development has been highlighted by the ecologists who carried out the survey of the first Cockley Hill site as sensitive and should be protected.
- Part of the site is green belt – even if only the attenuation pond, it will still have an impact owing to engineering works.
- Planning permission has been sought in the past for this land and has previously been refused due to issues over access.
- Nearby brownfield sites should be built on instead.
- All the reasons given for refusal in Application 87/60/00192/B1 and the Department of the Environment. Appeal T/APP/J4715/A/87/076370/P5 stand today even more so, due to the increase volume in traffic, environmental issues, and flash flooding due to climate change.
- Reading the notes from 2014 when initial planning was granted, there seems to be a number of details being swept under the carpet, ie recommendation that all buildings driveways and roads be drilled and grouted for surface stability, marshy area to be retained and a pond developed to encourage wildlife such as the Great Crested Newt, houses would be too close to some of the trees risking injury from falling debris, light splay into trees disturbing Bat roosts. One 1.3metre deep bore hole doesn't seem adequate to establish the suitability of the ground to build on in the marshy area.
- If housing is allowed it should not have gas installed but instead ground source heat pumps and solar panels - it could offer a great opportunity for a visionary scheme offering local generation of energy for local need.
- HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

7.3 Kirkburton Parish Council:

- The Parish Council strongly objects to this proposed development on highways safety grounds. There is currently a big drainage problem at this location with the volume of water being so heavy it resembles a stream running down Cockley Hill. In cold weather the road becomes iced over causing the obvious road safety hazards on a road which is busy, especially at peak times. The addition of 29 dwellings with the associated increase in vehicles to the area, would exacerbate the problem further.

7.4 The site is within Dalton Ward. The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for lifetime home designs to be incorporated in the section 106 social housing contribution.
- Also, as part of the Section 106 request that the PROW KIR8 be repaired and improved.
- We need more information about bio-diversity and trees for all three developments which I believe you are going to request.
- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds. As you are aware HGVs are restricted on this road. I appreciate this is not a material

consideration however please could you highlight this problem to the Highways Development Manager?

- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road.
- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The Coal Authority – No objections.

Lead Local Flood Authority – Support subject to conditions.

8.2 Non-statutory

KC Highways Development Management – No objection subject to conditions and Section 106 contributions (sustainable transport and travel plan monitoring).

KC Trees – Support subject to condition.

KC Ecology – Support subject to condition.

KC Landscape – No objection subject to conditions and Section 106 contributions.

KC Education – No objection.

KC Waste Strategy – Raised concerns about accessibility of bin stores and adequacy of collection areas (18/05/2021).

KC Strategic Housing – Support in principle subject to delivery of affordable housing. Three homes should be affordable or social rent, two homes should be First Homes and one home should be other intermediate allocation.

West Yorkshire Police Designing Out Crime Officer – No objection.

9.0 MAIN ISSUES

- Land use and principle of development
- Minerals
- Masterplanning
- Quantum of development
- Housing mix
- Sustainable development and climate change
- Urban design
- Trees and landscaping
- Residential amenity
- Highway and transportation issues
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Land use and 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, housing need and delivery

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.3 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement relevant to an application, where applicable, will be set out in the officers’ assessment.
- 10.4 The development now proposed is intended to be the second of two phases of a housing development that would encompass housing allocations HS26 and HS28. The application site for development now being considered does not benefit from an extant outline permission. Most of it does, however, lie within housing allocation HS28 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Residential development is therefore considered acceptable in principle here.

Appropriateness within Green Belt

- 10.5 The NPPF Chapter 9, paragraph 154, states that the construction of new buildings is inappropriate within the Green Belt. In the following paragraph it states that “engineering operations” and “material changes in the use of land” are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.6 That part of the application site falling within the Green Belt would not be used for building houses or associated access roads. It would be used principally for the formation of an attenuation basin for surface water drainage.
- 10.7 Whilst this operation would change the character of this part of the site owing to the re-grading works required, it would not involve the laying out of large areas of hardstanding. The resulting development would have a more engineered and artificial appearance than the existing pasture land but it is considered that it would not appear as a strident or jarring feature in the surrounding open countryside, and its appearance would be softened by the proposed tree planting.
- 10.8 It is considered likely that this aspect of the development proposal would have a small negative impact on the openness of the Green Belt. This would make it “inappropriate development” which, according to paragraphs 152-153, should not be approved except in “very special circumstances”, that is, if it can be shown that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.9 In this instance it is considered that the harm to the openness of the Green Belt would be slight, and that the development would not undermine the purposes of the Green Belt as set out in NPPF paragraph 143. Furthermore, the part of the development that lies within the Green Belt would be crucial to the delivery of a housing proposal in that it would provide a safe and sustainable means of surface water disposal for both Phases 1 and 2. In view of the current under-supply of housing land as highlighted elsewhere in the officer’s report, considerable weight must be placed on this factor.
- 10.10 It is considered therefore that the above test is passed, in that the minor harm to the openness of the Green Belt would be clearly outweighed by other considerations. Of note, the council has previously accepted certain drainage infrastructure proposals within the Green Belt where they supported adjacent residential development on allocated sites (for example, at the Bradley Villa Farm site, ref: 2021/92086).

Minerals

- 10.11 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Masterplanning

- 10.12 The site layout proposed however provides for full connectivity by means of vehicular routes with the neighbouring allocation HS26 to the north. The PROW that crosses the site would be retained along its existing course and a landscaped corridor with an additional footpath would be formed linking the site, via a further landscaped area forming part of reserved matters application 2021/91506, with Shop Lane. It is considered that the development therefore upholds the aims of the relevant part of Local Plan policy LP5.

Quantum of development

- 10.13 Local Plan policy LP7 and Principle 4 of the Housebuilders Design Guide (HDG) SPD require 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. Within the Local Plan HS28 is assigned an indicative capacity of 70 dwellings. The “indicative capacity” set out in a housing allocation is guidance, and in practice a lower or higher density may be appropriate, having regard to the aims of good design as well as practical constraints on the site.
- 10.14 The site area is approximately 1.99ha. Once the access roads are accounted for, the net area of the site would be 0.78ha, resulting in a net density of 37 per hectare. This is slightly above the density of 35 per hectare that is generally recommended, but the number of houses delivered would be significantly below the site’s indicative capacity. There are constraints on achieving a higher density, including the need for retaining walls, the protection of trees, the safety of users of the PROW within the site, and the need for a suitably gentle transition between built development and open land. These factors will be considered further where relevant within this report. It is considered that the proposed quantum and density of development is therefore the optimum for this site.

Housing mix and affordable housing

- 10.15 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal’s housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2-, 3- and 4+-bed) and form (detached, semi, terrace, bungalow). The council’s Housing Mix and Affordable Housing SPD sets out the recommended housing mix (by number of bedrooms) within each housing market sub-area. The site falls within Huddersfield South sub-area. The Housing Mix and Affordable Housing SPD states within this area, the breakdown of house type by number of bedrooms should be: 30-60% 1- and 2-bed; 25-45% 3-bed, and 15-35% 4-bed. In this case, the proposal includes a mix of detached and semi-detached units, with one terraced row (of four units), with the following mix of unit types:
- 2-bed: 8
 - 3-bed: 15
 - 4-bed: 6
- 10.16 The latest modifications to the plans have increased the number of 2-bed units relative to the proposed 3-bed units. The provision of 2-bed houses for Phase 2, viewed in isolation is still below the 30% target, reaching 27.6%.
- 10.17 The proposed Phase 1 provision is 8x 2-bed, 34x 3-bed and 12x 4-bed units. For the entire 83-unit scheme the breakdown of housing by type would therefore be:
- 2-bed: 16 (19.2%)
 - 3-bed: 49 (59.0%)
 - 4-bed: 18 (21.7%)

- 10.18 The provision of 2-bed homes across both phases would therefore fall below the 30% lower limit set out in the SPD. The approved reserved matters for the site on Shop Lane (which is a project of the same developer and is linked to the Cockley Hill Lane scheme) does, however, contain a greater proportion of 2-bed houses. Once these are added, the provision of 2-bed houses across all three sites is 33 out of 124 or 26.6%. This still falls below the recommended lower threshold of 30%. Considering the challenges in developing the Cockley Hill Lane site, including the required earthworks and retaining structures, as well as the contamination and coal mining legacy issues already referred to, with the resultant abnormal costs, it is considered that the scheme thus achieved contains an acceptable mix of house types.
- 10.19 Six affordable units are shown to be provided as part of Phase 2 (type C2 and type R) which are shown to be distributed among open market housing. This would amount to 20.6% of units within this application site. With a further 11 within the proposed Phase 1 (already secured by a Section 106 Agreement) this would amount to 20.4% within the scheme as a whole.
- 10.20 The proposed development would ensure delivery of two units within this Phase 2 (and a further two within the proposed Phase 1) meeting Lifetimes Homes standards, a set of 16 design principles that are intended to make homes more accessible and adaptable, especially for people with long-term illnesses or those experiencing reduced mobility in later life. These are designated C2+ and contain a larger internal floor area than C2. It is considered that this is an additional benefit as it would assist in the delivery of houses meeting the needs of all sections of the community.
- 10.21 Weighing Local Plan policies LP7, LP11 and Principle 4 of the Housebuilder Design Guide's requirements against the constraints and relevant planning history, officers do not have concerns regarding the housing mix or forms proposed. The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the council's housing targets including the delivery of affordable housing and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, assessed below.

Sustainable development and climate change

- 10.22 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.
- 10.23 The site is within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement. The proposed access point from Cockley Hill Lane (which forms part of phase 1, application 2021/91506) is within 200m of Kirkheaton Local Centre which provides various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable. The aforementioned site entrance is approximately

200m from the bus terminus at the junction of Town Road and Heaton Moor Road which provides a twice-hourly service throughout most of the day. The site is therefore considered to have moderate public transport accessibility and would enable at least some journeys to be undertaken without the use of a private car.

- 10.24 The promotion of carbon reduction and climate change resilience should be achieved as an integral part of the new build for all full and outline housing applications. This may include, but not be limited to, energy efficiency measures in excess of those mandated by the Building Regulations, and micro-generation technology such as solar panels and heat pumps, and can be secured by condition. A scheme of electric vehicle charging points, in order to promote the use of low-impact means of transport, can also be secured by condition. Other factors will be considered where relevant within this assessment.
- 10.25 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

- 10.26 Relevant design policies include policies 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'. These policies are supported by various principles outlined within the Housebuilders Design Guide (HDG) SPD, of which the following are considered to be particularly relevant to this section:
- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
 - Principle 5 – Development should form a coherent building line.
 - Principle 8 – Transition to open land to be carefully considered.
 - Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
 - Principle 13 – Materials should be appropriate to the site's context.
 - Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
 - Principle 15 – The design of the roofline should relate well to the site context.
- 10.27 There are no listed buildings or other designated heritage assets within or adjacent to the site, or that would be visible from it. The proposal is not expected to impact upon the historic environment directly or indirectly.
- 10.28 The site in its present state makes a modest positive contribution to the amenity of the area. The allocation of the majority of the site for housing establishes the principle of residential development and associated infrastructure, at least on that part of the site that is thus allocated.

- 10.29 The proposed development would form a continuation of the larger residential development (54 units) proposed under application 2021/91507, which is intended to be Phase 1 of the project. The present application site would, however, lie further away from established high-density development close to the southern and eastern edges of Kirkheaton. The adjacent open countryside, and the low-density residential development and landscaping to the west and southeast (8-10 Knowle Road and 60 Cockley Hill Lane) are more important in establishing the setting. The proposed development would, if both phases were implemented, be seen as a continuation of the larger development on the site to the north (Phase 1).
- 10.30 It is considered that the proposed layout would represent a rational response to the site's context, and responds positively to the need to ensure an appropriate transition to open land. The proposal avoids the disadvantages of a very low net density similar to 8-10 Knowle Road, which would not be an efficient use of the land, and an excessively high net density which would mean an abrupt change from built development to open land and would create the appearance of a hard edge to the settlement.
- 10.31 The proposed dwellings are considered to be of an appropriate scale, being 2-storey within an area comprising mainly 2-storey houses, and would not therefore dominate their surroundings. It is considered that the layout and density of the development would provide a suitable transition between the high-density development near the core of the village and the open countryside to the south.
- 10.32 The road layout is considered a rational way of maximising the development potential of the site, taking account of the variation in levels. It is noted that the development would incorporate a very high retaining wall separating the higher and lower plots (17-22, 13-16) which would be up to 8m in height. This would, however, form the division between neighbouring back gardens, and not between residential plots and the street scene. High retaining walls are not a feature that is typical of Kirkheaton. However, the proposed wall, having an approximate north-south orientation, would not be unduly prominent when viewed from the fields to the south (including from the PROW 8/40 and 8/20). Furthermore, there would be a landscape buffer separating it from the Green Belt land and PROW 8/40 consisting of banking with mature trees, which would be retained in its present state. The proposed design solution is considered to be preferable than the alternative of having a retaining structure between residential curtilages and the estate road, and the option of breaking the structure down into smaller retaining walls separated by terraces would reduce the amount of space available to build and thereby result in the site not being efficiently used.
- 10.33 The proposed dwellings could be described as "modern traditional" in appearance. They would not closely mimic the local vernacular but would at least reference it, having typically a simple built form, symmetrical double pitched roofs, gutters supported by corbels and windows typical of the surrounding area in terms of their placement and proportions. It is noted that roof pitches would be steeper than most of the established development, but this is judged to be acceptable since the site is considered to be relatively self-contained and would not be seen as the continuation of existing street frontages. It would thereby comply with the guidance of HDG SPD Principles 5 and 12. The architectural form and appearance of the units are considered acceptable, in compliance with policy LP24 of the Local Plan and the guidance of Principles 14 and 15 of the HDG.

- 10.34 Walling and roofing materials are not specified within the plans or supporting documents. The use of regular coursed natural stone as the principal walling material would be preferred but a high-quality artificial stone may also be acceptable.
- 10.35 Accordingly, the proposal is deemed to comply with the aims and objectives of policies LP2 and LP24 of the Kirklees Local Plan, and Chapter 12 of the NPPF, and the guidance of the HDG SPD Principles outlined above.

Trees and landscaping

- 10.36 Policy LP33 of the Kirklees Local Plan establishes a principle against the loss of trees of significant amenity value, with further guidance provided by Principle 7 of the HDG SPD. There is a belt of mature trees on the northwestern margin of the site benefiting from an area Tree Preservation Order. An Arboricultural Survey has been submitted with the application. Almost all trees within the application site would be retained, with only a single tree scheduled for removal.
- 10.37 An Arboricultural Impact Assessment and Method Statement (AIA and AMS) have been submitted. Whilst these are generally satisfactory, the drainage plans appear to be showing new structures crossing/entering the RPAs of the retained trees and it is not clear that these have been taken into account in preparing the AMS, which also fails to include a schedule for arboricultural monitoring at the site while the construction is underway. KC Trees have confirmed that there is no objection to the proposal subject to a pre-commencement condition for the agreement of a finalised/detailed AMS based on the submitted AMS (16892-B/AJB) and the approved plan list.
- 10.38 It is noted that in addition to preserving the belt of trees near the southeastern boundary and the triangle of land near Cockley Hill Lane in their existing semi-natural state, the development would provide formally laid out public open space including a play area within the southwestern part of the site, which contains a walkable route providing a link with other public open space forming part of the approved scheme for land off Shop Lane, application 2021/91506. It is therefore considered that the proposed development would maximise the quality and usability of new public open space provided as part of the application, and that by providing increased opportunities for outdoor recreation it would support the aims of Local Plan policy LP47 (Healthy, active and safe lifestyles) as well as Principles 10 and 11 of the HDG SPD.
- 10.39 The standard requirement for Public Open Space generated by this proposal (calculated taking a masterplanning approach to both phases of the development, represented by applications 2021/91506, 2021/91507 and the present application) would not be fully met by the proposed on-site provision, and it is recommended the shortfall is addressed via an off-site contribution (considered further in paragraphs 10.83 and 10.84).

Residential Amenity

- 10.40 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.

- 10.41 Furthermore, the Housebuilders Design Guide SPD sets out several design principles to protect amenity, which will need to be considered when assessing a proposal's impact on residential amenity. These are further supported by policies outlined within Chapters 12 and 15 of the NPPF.

Impact on amenity for existing dwellings

- 10.42 All proposed new dwellings that face towards the site boundaries would maintain at least the minimum 21m from any opposing windows in established residential development and at least the minimum 10.5m from any adjacent undeveloped land.
- 10.43 It is considered that the proposed earthworks including the raising up of parts of the development above existing ground levels would not have an overbearing impact upon any existing residential properties. To the south and east of the site, the retained tree belts would provide a buffer between the developable part of the site and 74 and 60 Cockley Hill Lane.
- 10.44 In conclusion, it is considered that the development would not compromise the amenities of any existing property. There are no shortfalls in the recommended separation distances and it is considered that the positioning, scale and height of the proposed new dwellings would not result in a significant impact on light or outlook for existing dwellings.

Residential amenity for occupants of new dwellings

- 10.45 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they are cited within the Housebuilders Design Guide (Principle 16) and provide useful guidance which applicants are encouraged to meet and exceed. All of the proposed new dwellings would provide an internal floorspace equal to or above that deemed appropriate for a dwelling of that type, according to the Nationally Described Space Standards.
- 10.46 Floor space for each house type is set out within the table below table, from which it can be seen that all house types would meet or exceed the recommended minimum standards:

House Type	Number of bedrooms	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
C2+	2	2	80	70
E	4	1	146	97
F	3	10	86	84
G	4	3	109	97
J	3	2	126	90
Q	3	4	112	84
R	3	6	89	84
S	3	1	97	84

- 10.47 Garden depth and size varies throughout the proposed development. It is noted that a few dwellings, such as unit 23, would have gardens that are particularly short, being only 7m in depth, and that attached to unit 18 is reduced to a triangle, tapering to a point at the rear. It is recognised, however,

that the layout has been designed taking into account the topographical constraints of the site, and taking a view of the development as a whole private amenity space is judged to be useable, of sufficient size and high quality.

- 10.48 All dwellings would be dual aspect and would be placed so that habitable rooms would be able to receive adequate amounts of natural light, including direct sunlight. The new dwellings would also be placed and configured so as not to overlook each other at close quarters. It is noted that plots 13-16 would have their rear or eastern outlook affected by the high retaining wall separating them from the higher plots. This would certainly limit their ability to receive direct sunlight, especially in the winter. However, the distance between the respective rear elevation of each dwelling and the retaining wall, at a minimum of 12.5m, is considered sufficient to avoid an oppressive impact on these dwellings.
- 10.49 The boundaries separating residential gardens from each other, and the rear boundaries where they form the edges of the site, would be marked by 1.8m timber screen fences. These are considered acceptable and in accordance with Principle 5 of the HDG SPD, and can be the subject of a prescriptive condition.

Environmental and amenity impacts during construction

- 10.50 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is also recommended.

Residential amenity – conclusion

- 10.51 To summarise, the proposed development is considered not to result in detriment 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 policy LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

Highway and transportation issues

- 10.52 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development 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. The Highways Design Guide SPD outlines expected standards for new developments and their roads.

Traffic generation, access and impact on highway network

- 10.53 Paragraph 114 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 115 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.

- 10.54 A revised Transport Assessment to summarise the total traffic generation associated with the development has been prepared and submitted by Paragon Highways (ref: 702F), dated October 2023.
- 10.55 The Transport Assessment predicts 62 and 55 two-way movements, at morning and evening peak respectively, to arise from a development of 84 dwellings. KC Highways Development Management considers these trip rates to be acceptable in this respect utilising a priority give way arrangement as proposed. Suitable visibility has also been demonstrated. No further concerns are raised regarding this from a highways perspective.

Internal layout and parking

- 10.56 The proposed internal layout has now been designed in accordance with the council's Highway Design Guide SPD. This follows negotiations on the internal estate road including changes to ensure the proposal is suitable for adoption in terms of suitable gradients appropriate visibility splays and forward visibility and a suitable level of off-street parking. The applicant has provided suitable swept path information regarding access for refuse collection vehicles.
- 10.57 The development provides sufficient off-street parking for each type of dwelling in accordance with the SPD and the provision of visitor parking at a ratio of one space per four dwellings (for Phase 1 and 2 combined) is also provided and considered acceptable.
- 10.58 Each dwelling would have a designated bin storage area within its curtilage for three refuse containers. Bin presentation points are also incorporated into the layout in such a way that bins can be put out for collection without obstructing the public highway.

Cycling and sustainable transport

- 10.59 A framework Travel Plan has been submitted for this application. KC Highways Development Management have assessed the application and have concluded that conditional approval can be given subject to a Full Travel Plan (to be secured by condition) being submitted and subject to the developer entering into a Section 106 Agreement to provide sustainable contributions to the total sum of £28,583.50 and Travel Plan monitoring contributions of £10,000. Each property is, however, shown to have its own cycle store, of which specifications should be conditioned. It would thereby comply with the aims of Local Plan policy LP20.

Construction management

- 10.60 Given the scale and nature of the development officers recommend a Construction Management Plan 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. KC Highways Development Management 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.

Highways and access – conclusion

- 10.61 In summary, officers are satisfied that, subject to conditions, the development would not cause harm to the safe and efficient operation of the highway, in accordance with the aims and objectives of policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highway Design Guide SPD.
- 10.62 The following conditions have been recommended by KC Highways Development Management:
- Visibility splays to be provided.
 - Details of junction of new estate road with Cockley Hill Lane.
 - Full travel plan to be submitted.
 - Scheme of internal adoptable estate roads.
 - Details of storage bin presentation points and access for waste collection.
 - Details of temporary waste collection arrangements.
 - Cross-sectional information, design and construction details for new retaining walls.
 - Cross-sectional information, design and construction details for surface water attenuation infrastructure within the proposed highway footprint.
 - Defects survey pre-and post-development, with a scheme to remedy any subsequent defects.
- 10.63 It is considered that the above conditions are reasonable and necessary to ensure the safety and convenience both of future residents and existing highway users, save that bin storage and presentation points are already shown so the only aspect that needs further details is the design of the bin enclosures.

Drainage and flood risk

- 10.64 The site is deemed to lie within Flood Zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding, and therefore low risk) according to the council's Strategic Flood Risk Assessment and Environment Agency Flood Risk Assessment. A Flood Risk Assessment and drainage strategy was submitted with the outline application. It acknowledged the possibility that the overlying clays and underlying mudstones and sandstones of the middle coal measures would not support infiltration systems but that further investigation would be carried out to assess this. In the event that an infiltration system was found to be unsuitable then the flows from the site would have to be attenuated to agricultural rates to ensure that downstream sewers and land drainage systems downstream of the site would not be overwhelmed leading to localised flooding. Methods and capacity of stormwater attenuation systems and points of discharge would be determined at a later stage.

- 10.65 The drainage scheme design now being considered has been devised through a long period of negotiation between the developer and Kirklees officers including the Lead Local Flood Authority officer.
- 10.66 One feature of the site that has been noted is the presence of an existing drainage outfall from 36-38 Cockley Hill Lane which discharges onto the site which is forced to act as an informal soakaway. This, it is believed, is the main source of the marshy conditions on the lower part of the site, southeast of 8-10 Knowle Road. The drainage strategy that has been devised takes this into account, in providing a field drainage system to collect water from this damp and low-lying part of the site which would then discharge to a culverted watercourse west of Shop Lane.
- 10.67 This watercourse would also provide the means of surface water disposal for the 41-dwelling development on the former mill site west of Shop Lane approved under application 2021/91506. As a condition of granting permission, attenuation is also provided so that run-off from the completed Shop Lane development would be considerably reduced, compared to the situation when the site largely consisted of buildings and impermeable surfaces.
- 10.68 Returning to the present application, the new drainage infrastructure would increase the efficiency of the existing land drainage, but taking into account the substantial attenuation provided as part of the Shop Lane scheme, cumulative peak discharge to the culverted watercourse would certainly not increase.
- 10.69 Meanwhile, any new water run-off arising from the development, i.e. drainage from roofs, roads and other impermeable structures, would be directed towards an attenuation basin in the southernmost part of the site, before ultimately discharging to the same culverted watercourse. This would ensure that new run-off arising from the development is attenuated to greenfield levels.
- 10.70 The Lead Local Flood Authority is now satisfied with the overall drainage strategy and layout and recommends approval subject to the following matters being conditioned: (i) detailed drainage design; (ii) flow routing plans with assessment of the effects of 1 in 100 year storm events; and (iii) temporary drainage plan during construction. Although not highlighted in the LLFA's final consultation response, the case officer recommends that 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.
- 10.71 Foul water from the proposed development would discharge to the existing combined sewer. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.72 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via a Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of Local Plan policies LP28 and LP29 and Chapter 14 of the NPPF.

Ecological issues

- 10.73 Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, state 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.
- 10.74 A Preliminary Ecological Appraisal (PEA) report dated July 2023 was submitted. This found that the habitats within the site comprised modified grassland, other neutral grassland, and broadleaved woodland, with hedgerows on some of the site boundaries. It found the habitat might have some value for amphibians, although features that would be likely to serve as breeding sites were absent, and that the chance of Great Crested Newts being present was found to be low. Suitable foraging and commuting habitats for bats were found, but no further bat surveys were deemed necessary as trees and other features of importance would be retained. The PEA assumed hedgehogs to be present, and whilst the site may have some value to common farmland and urban fringe bird species, it was assessed as unlikely to be suitable for ground nesting birds since they would be disturbed by local residents exercising their dogs. The PEA recommended that as much of the existing vegetation should be retained as possible, especially trees and hedgerows.
- 10.75 The Biodiversity Net Gain Assessment, submitted at the same time as the PEA, identifies an overall Net Gain of 0.98 Habitat Units (+10.04%) and 0.47 Hedgerow Units (+14.36%). The prescriptions laid out on page 10 of the submitted BNG report lay out how the above net gain is to be achieved at the site. The habitat and hedgerow units that are to be achieved at the site would be secured through an appropriately worded planning condition for a Biodiversity Enhancement Management Plan. Overall, the development provides an opportunity to enhance habitats of increased value, such as the woodland in the southern section of the site.
- 10.76 This is evidenced through the submitted information related to biodiversity net gain, which achieves a 10% biodiversity net gain at the site. This means that a legal agreement to secure BNG off site will not be required in this instance.
- 10.77 It is therefore considered that subject to the submission (at conditions stage) of a Biodiversity Enhancement and Management Plan (BEMP), and a Construction Environmental Management Plan (Biodiversity) to prevent harm to wildlife during construction, the development would comply with the aims of policy LP30 of the Kirklees Local Plan and guidance of Principle 9 of the HDG SPD.

Planning obligations

- 10.78 Paragraph 57 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

- 10.79 Policy LP11 of the Local Plan requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. On-site provision (housing) is preferred, however where the council considers it appropriate, a financial contribution to be paid in lieu of on-site provision may be acceptable.
- 10.80 For this site, a 20% contribution of 29 units would be six units (rounded). This has been offered by the applicant. These would comprise 2x 2-bed and 4x 3-bed units. Part 5 of the council's Housing Mix and Affordable Housing SPD sets out the mix of house types that it is recommended be provided as the affordable element in a housing scheme. Within the Huddersfield South sub-area, it should normally be 40-79% 1- and 2-bed, 0-19% 3-bed, and 20-39% 4-bed units.
- 10.81 The proposed provision does not accord with this, offering instead a 33-67% split in favour of 3-bed houses for this site. KC Strategic Housing were consulted however and raise no concerns about the mix, which, it should be noted, is similar to that offered (and approved) at outline stage for the larger phase 1. Officers accept that whilst not according with recommended balance in part 5 of the SPD, the proposal would make a satisfactory contribution to meeting the demand for affordable housing in the area.
- 10.82 A Section 106 agreement is proposed, to include a clause requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of policy LP11 of the Local Plan.

Public Open Space (POS)

- 10.83 In accordance with policy LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.84 KC Landscape team have confirmed that following detailed assessment of the documents and plans submitted for the two phases of the Cockley Hill Lane scheme and Shop Lane scheme, including the previous Section 106 agreements and financial obligations on the 2014 outline applications, the anticipated off-site contribution due for Cockley Phase 2 would be £23,352.64. This POS calculation is as per Local Plan policy LP63 and takes account of the POS areas shown on the submitted POS plan. It also takes account of the existing Section 106 contributions, which have been assumed to be paid as per the original terms. The contribution of £23,352.64 is recommended to be secured within the Section 106 agreement and would be spent within the local area. It is also recommended that conditions be imposed requiring (i) details of all hard and soft landscaping and (ii) a management and maintenance plan for public open space. This is considered appropriate to ensure compliance with policy LP63 of the Kirklees Local Plan.

Education

- 10.85 Applications proposing over 25 dwellings (of 2-beds or larger) normally trigger a requirement for education contributions.

- 10.86 The contribution is determined in accordance with the council's policy and guidance note on providing for education needs generated by new housing. Contributions are only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.87 KC Education have considered local primary provision (at Kirkheaton Primary School) and secondary provision (at King James's School). In the latter case this includes the additional permanent capacity added in 2022/23. They have found that there is spare capacity in both schools and that no additional places would be required to accommodate the children of the proposed development. It is therefore recommended to not seek a contribution towards education provision in respect of this application.

Management and Maintenance

- 10.88 It is recommended that the Section 106 agreement include terms for the provision of long-term maintenance and management of the surface water drainage features in addition to the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets in perpetuity, or in the case of drainage infrastructure, until they are adopted by a statutory undertaker.

Other Matters

Air quality

- 10.89 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.

Contamination and land stability issues

- 10.90 KC Environmental Health have reviewed this application and have observed that the site has been identified as potentially contaminated land due to its proximity to quarries (Sites 149/150/10). A Phase 1 contamination report has not been submitted with this application, however it is considered that the risk of contamination can be adequately addressed by the imposition of standard contaminated land conditions requiring a Phase 1 report (desk study), intrusive report where recommended by the desk study and Remediation Strategy where appropriate. The reports should include investigation of the possible presence of mine gas.
- 10.91 A large part of the site lies within a Coal Referral Area. The submitted Geotechnical Report / Intrusive Coal Mining Risk Assessment by ARP finds that there is no risk to ground stability for future development on site from any underground mine workings. It acknowledges there is a slight possibility of localised opencast coal excavations or bell pits on a small area in the south of the site, south of the fault, and mine entries generally on the site, east of the coal outcrop. It recommends that following the topsoil and made ground strip prior to development works, an Engineer should inspect the ground surface to the east of the conjectured outcrop, to check for any signs of such features.

10.92 The Coal Authority expressed no objection to the development and did not recommend any conditions, but advised the applicant that careful consideration will need to be given to the foundations for new development and the implications of any drainage works for ground stability. Paragraph 180(e) and 189(a) of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. Paragraph 190, however, states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It is considered that – placing due weight on the Coal Authority’s comments – further coal mining reports will not be required as part of the planning process, and any remaining issues on site arising from coal mining legacy can be addressed by the developer.

10.93 Subject to the above conditions, the development would ensure that future residents are protected from risks arising from contamination and land instability and that the development would comply with the aims of Kirklees Local Plan policies LP52 and LP53.

Health and safety issues

10.94 One corner of the site – an area of about 1,000sqm – lies within the middle zone of a hazardous installation, the Syngenta site. The Health and Safety Executive (HSE) were not consulted since under the layout now being considered this area is proposed to be public open space and no dwelling would be built within it.

Crime mitigation

10.95 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard 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. 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 Local Plan policy LP24(e).

Representations

10.96 A total of 46 representations have been received (not including those received from the Parish Council or from Ward Members). Most matters raised have been addressed within this committee report. The following are matters not previously directly addressed:

Traffic and road safety issues

- Residential Travel Plan is unrealistic as it does not sufficiently take account of the steep hills which provide a disincentive to cyclists and the limited public transport, and overestimates the uptake of car-sharing.

Response: Paragraph 117 of the NPPF states that “all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be

assessed.” A full travel plan to maximise the uptake of means of transport other than the private car can be conditioned, although it is acknowledged that there is inevitable uncertainty about the actual uptake since this depends on individual behaviour.

- There are many brownfield sites that could be built on instead, including within Kirkheaton.

Response: *There is no basis in current national or local policy for requiring brownfield sites to be developed before greenfield sites and the current housing requirement cannot be met using brownfield sites alone.*

- My house backs directly onto the proposed development field, and from the minor work been done over the years with plumbing, drainage systems, I know for a fact it disturbs, the internal plumbing in our homes, so my question would be is this to be compensated for and rectified by the building firm.

Response: *The development makes satisfactory provision for drainage. In general, the responsibility for ensuring that development does not undermine or adversely affect neighbouring private land. The issue raised here is considered to be a private civil matter.*

- Contrary to draft Kirkheaton Neighbourhood Development Plan, which should be taken into account.

Response: *As the plan is at draft stage, it is considered that no substantial weight can be placed on it. A NDP is unlikely to proceed to adoption stage if not in general conformity with the district-level plan (in this case Kirklees Local Plan).*

- Planning from 2014 had reports done on the land by ARP geotechnical stating it would be a high-risk development and that if approval was ever granted all buildings, road and drives should be drilled and grouted to ensure surface stability. This is now missing from the current application and nothing has changed in the current circumstances.

Response: *This comment appears to relate to the Coal Mining Investigation Report by ARP Geotechnical that accompanied application 2014/91831. This covered only the area within Phase 1. The report anticipated that on some parts of the site, including areas lying adjacent to the present application site (Phase 2), roads and drives will require treatment on a 3m by 3m grid, using drill and grout techniques. The more recent (July 2021) report accompanying the present application does not specify this remediation measure as being necessary for the current site. The Coal Authority, however, accept the current application can be determined without further work being undertaken pre-determination. KC Environmental Health have assessed the proposal and recommend the imposition of the standard conditions on potentially contaminated land. The Phase 1 and subsequent reports will assess any contamination risk on site and whether the ground needs to be remediated before building takes place.*

- There are over 3,500 empty homes in Kirklees Council

Response: *Houses that are temporarily vacant do not count towards housing land supply. In any case, the principle of residential development on this site is already established by its allocation in the Local Plan and by its extant outline permission.*

- Impact on local infrastructure such as doctors' surgery and dentist.
Response: *There is no provision within planning law or policy for developer contribution to healthcare or dental facilities, or that decision-makers should take these factors into account before reaching a decision. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.*
- Impact on schools.
Response: *Education contributions need not be sought in relation to this application.*
- All the reasons given for refusal in Application 87/60/00192/B1 and the Department of the Environment. Appeal T/APP/J4715/A/87/076370/P5 stand today even more so, due to the increase volume in traffic, environmental issues, and flash flooding due to climate change.
Response: *A decision from 1987 can be afforded no substantial weight since there have been many changes to the policy context (and to other material planning considerations) since that time at both national and local levels.*
- If housing is allowed it should not have gas installed but instead ground source heat pumps and solar panels - it could offer a great opportunity for a visionary scheme offering local generation of energy for local need.
Response: *Following the approach that has been taken on other housing applications in recent years, details of measures to reduce carbon emissions associated with the development can be conditioned.*

10.96 Kirkburton Parish Council comments:

The Parish Council strongly objects to this proposed development on highways safety grounds. There is currently a big drainage problem at this location with the volume of water being so heavy it resembles a stream running down Cockley Hill. In cold weather the road becomes iced over causing the obvious road safety hazards on a road which is busy, especially at peak times. The addition of 29 dwellings with the associated increase in vehicles to the area, would exacerbate the problem further.

Response: *Site drainage and highway safety have been examined in the appropriate sections of this report. The specific drainage problem identified appears to relate to the existing drainage infrastructure within Cockley Hill Lane. The principle of a new access to Cockley Hill Lane has already been established and Highways Development Management are satisfied that subject to conditions, the highway network is able to safely take on the traffic generated. Refusal of permission based on this factor would therefore not be possible to justify.*

10.97 The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for Lifetime Home Designs to be incorporated in the Section 106 social housing contribution?

Response: As noted elsewhere in the report, this has been proposed by the developer. It is considered that as the house types are clearly shown on the submitted plans, they do not need to be incorporated into a Section 106 agreement.

- Also, as part of the section 106 request that the PROW KIR8 be repaired and improved.

Response: Such an action could only be required of the developer if it was deemed necessary in the context of the proposed development. Whilst the development may result in more people using the PROW, it is noted that the development will allow it to be retained at a minimum 2.0m width and that overall, pedestrian provision for routes linking Cockley Hill Lane and Shop Lane would be improved. It is therefore considered that such a course of action would not be justified.

- We need more information about biodiversity and trees for all three developments which I believe you are going to request.

Response: Further information about trees and landscaping (including reducing the developmental area of the site to allow more retention of trees and semi-natural landscape) was submitted during the application process. These aspects of the development are now considered satisfactory, as noted in the relevant sections of the report.

- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds. As you are aware HGVs are restricted on this road. I appreciate this is not a material consideration however please could you highlight this problem to the Highways Development Manager?

Response: The submission of a Construction Management Plan will be required before development can proceed. All factors that are deemed material planning considerations will be taken into consideration in its assessment.

- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road

Response: It is noted that Cockley Hill Lane lacks a footway on its southern side, southeast of 52 Cockley Hill Lane. There may be some scope for providing a short stretch of footway either side of the new access along the site frontage although this is not explicitly shown on the drawings.

- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

Response: Full details of measures to reduce carbon emissions associated with the development have not been supplied, but can be conditioned.

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 residential development on a housing allocation. While the proposal does fall below the Local Plan's target density of 35 dwellings per hectare and does not achieve the allocation's indicative capacity, the layout of the development is considered to be a logical response to the site's constraints. A higher quantum of development would probably be difficult to achieve whilst delivering a layout that would function well, retain most of the mature trees on site and provide a gentle transition to open land. The proposal would achieve an appropriate mixture of housing types and would deliver affordable housing that is acceptable in terms of number and quality and in accordance with current policy. Accordingly, the principle of development is acceptable.
- 11.3 The design and appearance of the proposed development is considered acceptable. There would be no undue material 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 trees, have been addressed through the proposal.
- 11.4 The proposal would not be harmful in relation to material planning considerations. Furthermore, it would provide an enhancement in relation to local affordable housing (providing six affordable units) and open space (with significant on-site Public Open Space and £23,352 off-site contributions to enhance local facilities, in line with policy), in addition to sustainable transport contributions.
- 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) Materials.
- 4) Phase 1 contamination report.
- 5) Phase 2 contamination report if required.
- 6) Remediation strategy to be submitted if required.
- 7) Remediation to be carried out.
- 8) Contaminated land verification report (if applicable)
- 9) Detailed drainage design.
- 10) Flow routing plans with assessment of the effects of 1 in 100 year storm events.
- 11) Temporary drainage plan during construction.
- 12) Detailed landscaping scheme.
- 13) Landscaping management plan.
- 14) Biodiversity enhancement and management plan.
- 15) Visibility splays to be provided.
- 16) Details of junction of new estate road with Cockley Hill Lane.
- 17) Full travel plan to be submitted.

- 18) Scheme of internal adoptable estate roads.
- 19) Details of temporary waste collection arrangements.
- 20) Cross-sectional information, design and construction details for new retaining walls.
- 21) Cross-sectional information, design and construction details for surface water attenuation infrastructure within the proposed highway footprint.
- 22) Defects survey pre-and post-development, with a scheme to remedy any subsequent defects.
- 23) EV Charge Points scheme.
- 24) Details of other climate change mitigation measures.
- 25) Details of cycle storage.
- 26) Details of design of bin enclosures.
- 27) Construction Environmental Management Plan (biodiversity).
- 28) Implementation in full accordance with the approved Arboricultural Method Statement.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92527>

Certificate of Ownership

Certificate A signed.

Link to planning application details for Phase 1:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91507>

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2023/93704 Erection of 10 dwellings and associated works land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB

APPLICANT

Oliver Bottomley,
Yorkshire Country
Properties

DATE VALID

20-Dec-2023

TARGET DATE

20-Mar-2024

EXTENSION EXPIRY DATE

15-Jul-2024

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: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE permission for the following reasons:

1) The quantum of development proposed, at 10 units, fails to optimise the development potential of the site and fails to achieve efficient use of land, contrary to Policy LP7 of the Kirklees Local Plan and paragraphs 128, 129 and 135(e) of the National Planning Policy Framework.

2) The design and layout of the proposed estate road does not meet adoptable standards and would therefore not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable. It has also not been demonstrated that the gating of the estate road beyond the first turning head would provide suitable access for emergency service vehicles. The development would therefore fail to allow the convenient collection of waste as required by Policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought before committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor John Taylor. Cllr Taylor's grounds for requesting a committee decision are as follows:

The proposed scheme has received community support and the developer has been exemplary in consulting with the wider community as required and has taken on board local views about the design of the location.

The scheme will deliver a majority of 2 bed small bungalows, a type which is in high demand as evidenced by the Councils own Housing Need Assessment and also supported by the 3 Place Standard initiatives which I have conducted in the Kirkburton ward.

The proposed scheme is in keeping with the surrounding area, which is of lower density buildings and the alternate proposal would fly in the face of all of the work which has been undertaken with the local community and of course would appear completely out of character for the local area.

It would be inappropriate to throw away all of the good engagement work and sacrifice a couple of much needed bungalows just to squeeze in another two properties of a type which elsewhere in my ward it is proving more difficult to sell.

1.2 The Chair of the Strategic Planning Committee has confirmed that Cllr Taylor's request is valid.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an irregularly shaped piece of land situated on the northeastern edge of the settlement of Grange Moor. It is located on the northern side of Denby Road. At its southwestern corner it abuts a short row of terraced houses and their curtilages known as Urban Terrace, and at the western extent of the site the boundary is formed by Stoney Royd, a small modern housing development built as a cul-de-sac off Denby Road. Stone Royd and Urban Terrace form a clearly-defined edge to the village. To the north and east lies further undeveloped open land, mostly pasture but with scattered trees to the north and a belt of trees further east. A public footpath runs adjacent to the eastern boundary.

2.2 The site consists mainly of rough grass and scrub with a few small trees. It has, at present, no formal means of access to the public highway. The site is near-level, but is somewhat elevated compared to the land that lies beyond the eastern boundary (which forms a separate housing allocation).

3.0 PROPOSAL:

3.1 This is an application for full planning permission for the erection of 10 dwelling houses, and associated works.

3.2 A new access to the adopted highway would be created near the eastern end of the frontage, the access road curving inwards to the west, with a spur extending eastward to the site boundary.

3.3 The proposed dwellings would be:

- 2x A-type, 2-bed
- 3x C-type, 3-bed (but with a 4-bed option)
- 3 x F-type, 2-bed
- 2 x G-type, 3-bed

3.4 Dwelling type 'C', which would occupy three plots in the north and northwestern part of the site, would be detached, part single-storey part 2-storey, but with the upper floor accommodation largely within the roof space. Type 'G' would be in the form of a pair of handed semi-detached houses which would be 2-storey dormer bungalows. Types 'A' and 'F' would all be detached and would be true bungalows.

3.5 It is proposed that the palette of materials would consist of render, tumbled-effect artificial stone and concrete interlocking roof tiles.

3.6 Three dwellings would be placed facing directly on to the street frontage, two to the west of the new access, one to the east. The remaining seven would be placed along the new access road. Each dwelling would be provided with two parking spaces and the arrangement would also incorporate two parking bays for visitors. Three areas of public open space would be provided within the site. Two of these – one north of the first turning head, above the attenuation tank, the other in the centre of the site, to the east of the second turning head – are shown as being landscaped with trees and hedgerows. The third would comprise a smaller, semi-circular area to the front of plot 4 and its means of landscaping and enclosure have not been shown.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site: none.

4.2 Adjacent site:

2021/94747: Land north of Denby Lane, Grange Moor – erection of 18 dwellings and associated works. Withdrawn.

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

5.1 15/02/2024: Transport statement submitted.

12/03/2024: Further supporting statement submitted regarding density and housing mix.

Applicant was advised that a slightly higher density (12 units) would be preferred and that 10 units might be deemed an inefficient use of the land. Meeting took place 22/04/2024. The applicant was also advised that servicing arrangements were not satisfactory.

24/05/2024: Additional CMRA and soil sampling reports submitted.

21/06/2024: Amended site plan submitted.

15/07, 24/07/2024: Further minor changes to site plan to show PROW correctly and change position of one unit slightly.

The above submissions were not subjected to further formal public consultation since the amendments and additional plans were not considered to raise substantial new planning issues.

6.0 PLANNING POLICY:

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

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

6.2 The application site is allocated for housing in the Local Plan (Local Plan ID: HS195, land to the northwest of Urban Terrace). It has a net area of 0.66ha and its indicative capacity is 22 dwellings.

The following constraints are identified in the site allocation:

- Public sewers cross the site
- Potentially contaminated land
- Part/all of the site is within a High-Risk Coal Referral Area
- Mine entrances present.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **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
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **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
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

- 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 (2017)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The publicity period expired 01/03/2024. Publicity was undertaken by site notice and press advertisement in accordance with the requirements of the Development Management Procedure Order in addition to neighbour notification letter since the proposal constitutes Major Development and would affect a Public Right of Way or its setting.

7.2 12 representations were made, of which eight are in support, four comment.

Supporting comments:

- We do not want the number of units to be increased because this would be over-intensification and would be inappropriate in a small village with parking and traffic problems, limited infrastructure and facilities, and poor public transport.
- Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner.
- We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.
- The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.
- Bungalows will be more in keeping with local character – which is mostly low-density – than two-storey houses.
- Policy LP21 of the Local plan is in place to ensure new development allows safe and suitable access. With the council's proposal, we do not feel this is possible, especially because the neighbouring housing allocation will also need access from Denby Lane. We do not consider that maximising the number of driveways on Denby Lane is the safest option from a traffic perspective.
- The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.

7.4 Other comments:

- Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing.
- As the school is undersubscribed and the remote nature of the village means car ownership is vital, with bus services infrequent it is not an ideal area for the target demographic of bungalows.
- Public footpath must be maintained and have sufficient width.
- Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure.
- This land is in the local plan so we accept there will be development on it, however living directly adjacent we ask that disruption and noise is kept to a minimum.
- I hope that the developers ensure that the mature trees and shrubs which border the area are retained in order to maintain the privacy of neighbouring properties and to maintain the character of the area.
- I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.
- The applicant shows a spur extending to the neighbouring land but these are two separate allocations, the landowner has not given consent for this means of access, nor has it been shown to be the only safe or practical means of access.
- The instability and contamination issues on site must be properly assessed before determination.

7.5 Kirkburton Parish Council – No response to date.

7.6 Ward Councillor comments – Cllr John Taylor commented as follows:

I would just like to add my voice to the objections to the proposed changes [increased number of units] to the plans for the above site. The proposal for 10 bungalows on this site is something which has strong community support and also meets with the feedback I have consistently got from the place standards initiatives which I have run in the ward (I have done 3 so far). I have two major concerns about what is being proposed, firstly the desire to have a number of properties facing onto Denby Lane with drives and offroad parking accessed from Denby Lane.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – Support subject to conditions.

Lead Local Flood Authority – Support in principle subject to revisions to flood storage arrangements.

8.2 Non-statutory:

Yorkshire Water – Support subject to conditions.

Forestry Commission – Comments made but do not formally object or support.

KC Strategic Housing – Do not have any specific comments on this proposal.

KC Landscape – No response received.

KC Highways – Object due to concerns about layout and refuse collection.

KC Public Rights of Way – Further details required before determination.

KC Environmental Health – No objection subject to condition.

KC Ecology – Off-site provision of Biodiversity Net Gain will be required.

KC Trees – No objections subject to condition.

West Yorkshire Police Designing Out Crime Officer – No objections subject to condition.

9.0 MAIN ISSUES

- Land use and principle of development
- Masterplanning
- Quantum and density
- Housing mix and affordable housing
- Sustainable development and climate change

- Urban design
- Residential amenity
- Highway and transportation issues
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Land use and 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 will 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 will be approved without delay unless material considerations indicate otherwise.

Site allocation, housing need and delivery

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.3 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement relevant to an application, where applicable, will be set out in the officers’ assessment.
- 10.4 Full weight can be given to site allocation, which is for housing (ref: HS195). However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent effective and efficient development of land.

Minerals

- 10.5 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Coal extraction is furthermore likely to prove impracticable owing to the necessity of maintaining the requisite stand-off distance between such workings and established residential development.

Land use and principle of development summary

- 10.6 Given the above assessment, the principle of residential development at the application site is considered acceptable, subject to the further discussion of other relevant matters later in this report.

Masterplanning

- 10.7 The site is directly adjacent to a further housing allocation which borders it to the north and east (ref: HS58) with an indicative capacity of 42 dwellings. Under Local Plan policy LP5, masterplans should be sought “where feasible and appropriate”. For the adjacent (withdrawn) planning application 2021/94747, the applicant submitted an indicative masterplan covering all parts of the two allocated sites. This plan was intended to demonstrate that development of only part of the allocated land would not jeopardise future development of the other parts. No similar masterplan has been submitted for the application currently under consideration.
- 10.8 Notwithstanding the absence of a current, wider masterplan, it must be noted that the most important consideration relevant to masterplanning at this site is the need to ensure development here would not hinder the future development of the neighbouring allocation. Accordingly, the proposed layout includes an estate road spur which could (subject to the agreement of all parties involved) be used as a means of access to the larger adjacent housing allocation. Had approval of planning permission been recommended, conditions and/or Section 106 agreement provisions would have been appropriate, ensuring access through this spur would not be ransomed when the adjacent site is brought forward for development. It should be noted, however, that access via the spur has not been conclusively shown to be the only possible safe means of access to land within housing allocation HS58. It is also noted that no spur to the north (where units 6 and 7 are proposed) is proposed.

Quantum and density

- 10.9 As noted above, site allocation HS195 sets out an indicative housing capacity of 22 dwellings within the 0.66 hectares of allocated land.
- 10.10 To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its

surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met.

- 10.11 Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve. Any proposal at application sites capable of accommodating major development would be expected to make a significant contribution towards the quanta set out in the Local Plan.
- 10.12 The number of units that the applicant intends to provide is 10, which is under half the site's indicative capacity, and would amount to a net density of only 19 units per hectare. This does not compare well with the 35 units per hectare which should normally be aimed for.
- 10.13 The developer has however submitted a "simulation" – for illustrative purposes and not to be assessed – showing a possible alternative layout increasing the quantum of development to 12 by placing a further two units on the Denby Lane frontage.
- 10.14 It is accepted that constraints applicable to this site have a significant bearing on what development can be achieved here. The submitted Design and Access Statement highlights the following technical constraints: public sewers crossing the site which require an easement; potentially contaminated land; and the site being located within a Coal Referral Area with three identified mine entrances on the site. It is acknowledged that the mine entrances or shafts can present challenges to development. This is the rationale behind the applicant proposing to designate these areas as public open space. However, land contamination and other historic uses (the backfilled quarry and sewage tanks), whilst posing an additional challenge and abnormal cost to the developer, do not render the remaining parts of the site unfit to receive development (see the "land stability and contamination" section below). Whilst the physical constraints on the site are likely to pose an insurmountable obstacle to developing the site for 22 units, they do not indicate that a quantum of more than 10 is unachievable.
- 10.15 Officers are also mindful of the need to deliver a form of development that respects local character that conserves the amenities of both existing and future occupants, and does not compromise the development potential of the adjacent housing allocation as a result of overlooking at close quarters. All of these factors are to be examined in detail in subsequent sections of the report. However, it is still considered that the development of the site for only 10 units is sub-optimal and that a larger number of units can and should be aimed for, in the interest of making efficient use of land (as set out in LP7 and paragraphs 128, 129 and 135(e) of the NPPF). Such a scheme can be designed to reflect typologies surrounding the site and can also include bungalows. In the absence of such a proposal, and in view of the significant under-supply of housing land at the present time, it is considered that the proposed quantum of development is unacceptable and the proposal in its current form is therefore not supported by officers.

Housing mix and affordable housing

- 10.16 Under Principle 2 of the council's Housing Mix and Affordable Housing SPD, affordable housing (whether on-site or a financial contribution) is not expected to be provided unless the proposal is for more than 10 units, regardless of site area, which means that in this case, an affordable housing contribution would not be sought in the event of an approval. However, proposals should seek to meet local housing needs by referring to the market housing shares set out in Table 1 of the SPD as a starting point.
- 10.17 In this case the site is 0.65ha in size. In the area designated as Rural East Kirklees, of which this site forms part, the starting point is that between 30-60% of new homes should be 1- and 2-beds, 25-45% 3-beds and 5-25% 4+-beds. The selection of house types shown on the plans as originally submitted is 50% 2-bed, 50% 3-bed. The applicant has provided a 4-bed "option" for house type 'C' which would have the same footprint as the 3-bed version of house type 'C'. The site plan does not say which if any of the three type C units are to be 4-bed. If the council was minded to approve the application, one house type could be substituted to achieve 10% 4-bed. More importantly, however, the development would make a suitable contribution to the supply of 1- and 2-bed homes. It would thereby fulfil the aims of Principle 1.

Sustainable development and climate change

- 10.18 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.
- 10.19 The site is considered moderately accessible, lying within an existing established settlement which benefits from an approximately twice-hourly bus service connecting Wakefield and Huddersfield. Grange Moor possesses few amenities or facilities. There is a small convenience store, hair salons and a fish and chip shop within the settlement. The nearest Local Centre (as defined within the Local Plan) is 4km away. There is, however, a local primary school, as well as employment opportunities. It is concluded that at least some of the daily, economic, social and community needs of residents of the proposed development could be met within the area surrounding the application site without the use of a private car.
- 10.20 The promotion of carbon reduction and climate change resilience should be achieved as an integral part of the new build for all full and outline housing applications. The applicant's Climate Change Statement lists several measures to contribute to these aims, including the installation of solar PV equipment, the use of locally- or sustainably-sourced materials, and insulation beyond minimum standards.

Urban Design issues

- 10.21 Relevant design policies include policies 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'. These policies are supported by various principles outlined within the Housebuilders Design Guide (HDG) SPD, of which the following are considered to be particularly relevant to this section:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

10.22 The site is located on the edge of the settlement of Grange Moor. The site is, however, bounded by a housing allocation to the north and east so it is possible that its present situation, that of bordering undeveloped land on two sides, will not be maintained in the long term. The existing development in the vicinity of the site lacks a clearly-defined uniform character. Directly opposite, on the other side of Denby Lane, is a pair of semi-detached bungalows, with a 2-storey house (Square Pitt House, 6 Denby Lane) occupying a prominent position in the street scene just to the east and further bungalows (true and dormer) located off Denby Park Drive.

10.23 To the west, the relatively high-density Denby Lane Crescent, comprising short rows of townhouses, is also important in forming the local context, as is Urban Terrace itself. Bordering the site to the west, the modern development of Stoneroyd comprises 2-storey detached houses built to a high density of eight units on a site of 0.35ha, or little more than half the area of the current application site.

10.24 The development as proposed comprises a range of house types. A and F are uncompromisingly modern designs in their use of split, asymmetrical roofs, and non-traditional window configurations (either very tall and narrow, or square). Type C has a more traditional built form and roof style but still incorporates large areas of glazing in its rear elevation. Type G is a more conventional dormer bungalow with window styles typical of the area.

10.25 It is considered that the proposed house types would meet the test of high-quality contemporary and innovative designs, a requirement that is highlighted in paragraph 8.3 of the SPD. The layout avoids placing any of the new dwellings too close to the access road or to Denby Lane. In fact, those on plots 1-3 would be set slightly back behind the front building line of Urban Terrace. Fenestration would relate well to the road layout, avoiding the appearance of blank or dead frontages. The layout would create a sufficiently coherent building line where it borders Denby Lane, although were unit 1 taller (ideally 2-storey) and of a different typology, this would help the development better reflect the immediate context provided by Urban Terrace. The proposals would avoid creating frontages dominated by parking and would incorporate small areas of soft landscaping which would form public open space. The submitted Arboricultural Impact Assessment shows that trees on or near the site boundaries would be retained, with minor pruning, and KC Trees have expressed no concerns.

- 10.26 The use of artificial stone as one of the principal walling materials is noted. Natural stone, usually laid in regular courses, is by far the predominant material in the vicinity of the application site, including on the relatively recent development, Stoneroyd. High-quality reconstituted stone might be judged acceptable for those plots set back from the frontage, but not for those that front Denby Lane. This could have been the subject of further negotiation, or conditioned, if the proposal were otherwise acceptable. Further negotiation may have been necessary to seek a reduction in the use of inferior materials such as render and timber-effect cladding.
- 10.27 It is sometimes desirable to have graded densities on a housing site, with higher densities nearer to established development and lower densities adjacent to open countryside. In this instance the land to the north and east, it is expected, would ultimately be developed for housing, so the any dwellings close to the northern or eastern site boundary would end up being enclosed by development and not seen adjacent to undeveloped land. Even in its present situation, being seen against a backdrop of agricultural or semi-natural land to the north and east, it is considered that the development would not be seen as an obtrusive or non-conforming feature in the landscape, and would not adversely affect long-distance views.
- 10.28 It is considered, however, that there is scope to increase the density of the site without giving rise to the appearance of overdevelopment or providing too abrupt a transition to open land. There are several ways this could be achieved. One would be to increase the number of units on the Denby Lane frontage. This could consist of three or even four pairs of small semi-detached houses, if plot 10 were deleted to prevent overlooking. This would provide 12-14 dwellings in total. Alternatively, there could be a pair of semi-detached houses at each end of the Denby Lane frontage with a type G bungalow in the middle so as not to give rise to overlooking of plot 10 from upper floor windows, resulting in 12 dwellings altogether.
- 10.29 The opportunity also exists to increase the number of units in the northern part of the site. For instance, unit 7 could be replaced by a pair of two-storey semi-detached dwellings, which could have a north-south orientation, continuing the line formed by units 8 and 9. Unit 5 could also be replaced with a pair of two-storey semi-detached houses. Unit 6, however, has a much shorter back garden, so replacing it with a pair of semi-detached houses might not be desirable as each would have rather limited amenity space.
- 10.30 The Kirklees Dwelling Mix Analysis technical note (November 2020) finds that there is an unmet demand for bungalows in this housing market area (rural east Kirklees). It is broadly correct to say that across Kirklees there is an under-supply of bungalows, in that bungalows as a percentage of the existing housing stock are below the percentage required to supply the housing type mix indicated by projected housing demand.
- 10.31 The technical note finds, however, that the under-supply of two-bedroom bungalows is less severe in Kirklees Rural East than in other housing market areas within Kirklees, and there is even a very small over-supply of three-bedroom bungalows. Furthermore, it should be noted that the Dwelling Mix Analysis technical note does not have the status of an adopted SPD and cannot carry the same weight as the Local Plan allocation and the Affordable Housing and Housing Mix SPD. Whilst the proposal can be said to assist in meeting an unmet demand for bungalows in Kirklees, it is considered that this matter only attracts limited weight in the planning balance.

- 10.32 In conclusion, it remains officers' view that a higher density could be achieved without it giving rise to a cramped or over-intensive form of development. It is considered that whilst the proposed development would sufficiently respect local character, thereby supporting the aims of Local Plan policy LP24(a), it fails to achieve the objectives of policy LP7 by not making effective and efficient use of the site through appropriate densities.

Residential Amenity

Impact on amenity for existing dwellings and adjacent land

- 10.33 The site is bounded by land to the north and east that is presently undeveloped but lies within a housing allocation. On the latest version of the site plan, the nearest window in the bungalow on plot 6 would achieve the recommended separation distance of 10.5m from the rear boundary, thus ensuring that does not compromise the future development of the adjacent housing allocation, HS58.
- 10.34 Existing dwellings, however, would not be directly overlooked at close quarters or suffer undue loss of light or outlook as a result of the proposed development.

Amenity for future residents

- 10.35 It is considered that the layout of the proposed dwellings within their respective plots would allow all future residents to experience satisfactory levels of natural light and outlook.
- 10.36 In terms of floorspace, all would meet the minimum requirements set out in the Nationally Described Space standards for 2-, 3- and 4-bed houses, as applicable.
- 10.37 Plot 10, it is noted, would have a relatively small garden, but this would at least be able to receive direct sunlight throughout the year. It is considered that taking a view of the development as a whole, residents would have access to private outdoor amenity space that is useable, high-quality and proportionate to the size of the dwelling.

Residential amenity – conclusion

- 10.38 It is considered that the proposed scheme would deliver a high standard of amenity to future occupiers whilst not compromising those of existing residents, and would therefore comply with the aims of Local Plan policy LP24(b).

Highway and transportation issues

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

- 10.40 Paragraph 114 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 115 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.

Proposed site access and traffic generation

- 10.41 It is proposed to access the site via a single point of access off Denby Lane, an adopted but unclassified road. Suitable visibility splays of 2.4m x 43m have been demonstrated.
- 10.42 The council's Highway Safety team have noted that on-street parking occurs in the vicinity of Urban Terrace, and have suggested that measures to maintain a safe level of visibility could be conditioned, although specifics have not been proposed. At the time of the case officer's site visit, no on-street parking was observed along the site frontage, however, and any residential parking associated with Urban Terrace is likely to take place immediately outside these dwellings. Access arrangements as proposed are therefore judged to be satisfactory.

Internal layout, parking and servicing

- 10.43 Each dwelling would be provided with two private parking spaces, which by current standards is appropriate for a 2- or 3-bed house. Two visitor parking spaces are incorporated into the layout. Standard visitor provision is one for every four units, which would indicate 2.5 in this case. The number has in effect been rounded down from 2.5 to 2, but as KC Highways Development Management have expressed no concerns about this particular aspect of the scheme, it is on balance judged to be acceptable.
- 10.44 KC Highways Development Management have, however, expressed concerns during the process about some aspects of the estate layout and servicing arrangements. The original plans did not make it clear whether the estate road was intended to be built to adoptable standards (which would be a normal requirement for a development of this scale). Further specific concerns raised by officers included the gates (which would be likely to impede access for service and emergency vehicles), the refuse collection arrangements, and the lack of swept paths for service vehicles.
- 10.45 The site layout plan indicates that refuse collection for plots 1-3 would be undertaken direct from Denby Lane. For the other plots, two separate presentation points are shown: one, serving plots 5-9, at the end of a shared informal access or ginnel, the other serving plots 4 and 10, to the left of the first turning head. Both would be approximately 25m from the adopted highway.

- 10.46 The distance from the collection point to the refuse collection vehicle, as specified in the British Standard, should be no more than 15m. Section 46 of the Environmental Protection Act 1990 (EPA) empowers a Waste Collection Authority to set its own standards for waste collection arrangements, however, and Kirklees Council's internal policy is that the drag from the bin collection point (BCP) to the refuse collection vehicle (RCV) should not be more than 10m, and preferably no more than 8m. The drag distance from the householder's own waste storage point to the presentation or collection point should also not exceed 25m. In short, any layout that requires refuse collection workers to drag bins more than 10m would, under current Kirklees standards, not normally be deemed acceptable.
- 10.47 In response to the concerns raised, the applicant put forward the following proposals:
- The access road will be to an adoptable standard up to the gates.
 - A private waste collection service will be organised for dwellings beyond the gates.
 - The gates and private road will have an override system and ensure that emergency vehicles can enter the site.
- 10.48 The latest revised site layout shows that an additional 2.0m wide footway to be provided adjacent to plot 3. This improvement is welcomed, but the location of the bin presentation points is unchanged. As the council has a statutory duty to collect refuse from residential properties, and it cannot be guaranteed that any private collection arrangement can be maintained in perpetuity, any proposal must either provide an internal road layout that is proven to be suitable for refuse collection vehicles or ensure that refuse collection can be undertaken from the existing adopted highway in conformity with the standards set out in the council's Waste Management Design Guide for New Developments. Since the waste collection arrangements for plots 4-10 would exceed the drag distance for operatives from Denby Lane, and as the applicant has failed to demonstrate that an 11.85m refuse collection vehicle can access the development and turn around in the vicinity of the bin collection point, the layout is considered unacceptable.
- 10.49 The proposed gating of the private road raises concerns for emergency service vehicles. Officers recommend that this element be removed, unless it can be clearly demonstrated that an override system would achieve the same result. The main concern that has not been addressed is however the overall impracticability of the layout from the point of view of facilitating council refuse collection.

Public Right of Way

- 10.50 A Public Right of Way, footpath KIR/209/10, runs along the eastern boundary of the site. Any proposal for development on this site must ensure that the safe and convenient use of the PROW is unaffected and it is retained at its definitive width (in this case 2m). A concern raised by officers during the planning process was that the site plan did not clearly show the PROW at its definitive width and furthermore appeared to show its line displaced 2m to the east of its definitive position at the point where it meets Denby Lane. The former issue has been corrected (width now shown at 2m). The eastern edge of the proposed Plot 3 is now co-existent with the definitive line of the PROW

at the point where it meets Denby Lane. KC PROW have been notified and have not made any further comment. Officers are now satisfied that the development would not encroach on the PROW or negatively affect its usability.

Cycling and sustainable transport

- 10.51 The proposed dwellings do not have any secure cycle storage indicated. This could be the subject of further discussion. The site does not present opportunities for new links to the existing cycling network.

Highway and transportation issues – conclusion

- 10.52 The layout of the proposed estate road does not meet adoptable standards and would therefore does not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable as it would require refuse collection workers to drag refuse containers approximately 25m from their presentation point, which substantially exceeds the 8-10m set out in the council's Waste Management Design Guide for New Developments and the 15m set out in current British Standards. The applicant's proposal for a private waste collection service is not a satisfactory alternative, for the reasons set out above. It has also not been demonstrated that the proposed gating of the estate road beyond the first turning head would guarantee unrestricted access for emergency service vehicles which would therefore raise concerns about the future safety of residents. The development would therefore fail to allow the convenient collection of waste as required by policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the NPPF.

Drainage and flood risk

- 10.53 The site lies within Flood Zone 1 according to both the Environment Agency and the council's Strategic Flood Risk Assessment.
- 10.54 The applicant's Flood Risk Assessment (FRA) concludes that the disposal of surface water by means of infiltration is not practicable. Attenuation storage would be used instead. The Lead Local Flood Authority (LLFA) officer has advised against the use of crate storage. In response, a maintenance plan for the drainage infrastructure has been submitted and this could be the subject of further negotiation had the proposed development been acceptable in other respects.
- 10.55 Foul water drainage would be to the existing foul water sewer.
- 10.56 The LLFA officer has also raised concerns about the infilled pond on site but in the case officer's view this is unlikely to present an obstacle to the development of the site. There are no watercourses, culverted or open, present on the site.
- 10.57 To conclude regarding drainage and flood risk, it is considered that there are no drainage issues that would prevent the site being developed based on the layout submitted. Subject to suitable details of attenuation methods, it would not result in future occupants being subjected to an unacceptable risk of flooding or give rise to a greater risk of flooding off-site.

Site contamination and land stability

- 10.58 A Coal Mining Risk Assessment, including an intrusive report, has been submitted, which plots the position of the former mineshafts and zone of influence, and states that remedial works (including capping of shafts, drilling and grouting to stabilise the site), would be required to ensure safe development and occupation. The carrying out of remedial works, and submission of a statement certifying that the site has been rendered safe, could have been conditioned in the event of an approval.
- 10.59 A geoinvestigation and phase 2 report have been submitted to assess contamination. KC Environmental Health noted the presence of colliery spoil and given its sensitive end-use further testing of the combustibility of this material are required. Additional information was provided, which KC Environmental Health have considered. That team have concluded that whilst the issue is not wholly resolved, any outstanding concerns could be addressed by a condition.

Ecological issues

- 10.60 A Preliminary Ecological Appraisal was submitted with the application. It finds that mosaic scrub woodland is the dominant habitat. This is not a priority habitat and is considered to have moderate ecological value. The report advises that the opportunity exists to create compensatory habitat features on site such as bird boxes and wildflower-rich grassland, but acknowledges that the majority of compensatory provision to ensure 10% biodiversity net gain would have to be off-site.
- 10.61 The findings of the report are accepted. Officers raise no concerns about the impact of the proposed development on biodiversity. Had the proposed development been considered acceptable in other respects, the requisite 10% biodiversity net gain could have been secured by means of a condition for on-site improvements and a legal agreement by which the developer would deliver habitat creation or improvement off-site.

Other matters

Air quality

- 10.62 The development is not located within an Air Quality Management Area, nor is it considered to fall within any of the criteria within West Yorkshire Low Emission Strategy (WYLES) Planning Guidance Document to require an Air Quality Impact Assessment.

Land stability issues

- 10.63 A large part of the site lies within a Coal Referral Area. The applicant submitted a Phase 1 ground investigation report and an intrusive coal mining survey which were reviewed by KC Environmental Health and the Coal Authority respectively. The standard conditions were applied and these matters do not require any additional investigation or reports at this stage. The proposal thereby complies with the aims and objectives of Local Plan policy LP53.

Crime mitigation

- 10.64 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, lighting and boundary treatments, but has not raised any site-specific concerns. The site layout allows for an adequate amount of passive surveillance of, and by, the proposed dwellings. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime in accordance with Local Plan policy LP24(e) and that no specific conditions would have been necessary.

Health and safety issues

- 10.65 The site lies within a Class 1 area for radon gas and there are no other known health and safety issues (e.g. from hazardous substances or gas pipelines).

Representations

- 10.66 The comments made, where they have not been addressed in the main body of the report, are summarised here with officer responses.

- 10.67 Representations in support:

- Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner. We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.

Response: *These are subjective viewpoints upon which no weight can be placed.*

- The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.

Response: *The desirability of delivering affordable housing through the development of this housing allocation is a secondary issue. It would potentially be an additional benefit if a larger number of dwellings were to be built, but officers' main concern is overall numbers.*

- Bungalows will be more in keeping with local character – which is mostly low-density – than two-storey houses.

Response: *The character of surrounding development has been taken into account and it is considered that it would be possible to incorporate two-storey houses into the scheme. Bungalows are but one of the typologies already present in the surrounding area.*

- Policy LP21 of the Local Plan is in place to ensure new development allows safe and suitable access. With the council's proposal, we do not feel this is possible, especially because the neighbouring housing allocation will also need access from Denby Lane. We do not consider that maximising the number of driveways on Denby Lane is the safest option from a traffic perspective.

Response: *This is not accepted. A higher quantum of development could have been proposed without jeopardising highway safety.*

- The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.

Response: *This is noted as a possible benefit but this does not outweigh the planning arguments against the proposal already highlighted.*

10.68 Other comments:

- Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing.

Response: *As previously noted, many of the dwellings would in fact contain accommodation over two floors.*

- As the school is undersubscribed and the remote nature of the village means car ownership is vital, with bus services infrequent it is not an ideal area for the target demographic of bungalows.

Response: *It is considered that it would not be possible to sustain a refusal on this factor.*

- Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure.

Response: *This has not been requested by KC Highways Development Management and it is considered doubtful that such measures, for a development of this scale, would be deemed proportionate or fairly related to the development.*

- I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.

Response: *Had the proposals been considered acceptable in all other respects, a plan for access, unloading and so forth during construction could have been conditioned, as is standard practice.*

10.69 Ward Councillor comments – Cllr John Taylor. Comments made (additional to Cllr Taylor's request for a committee decision):

I would just like to add my voice to the objections to the proposed changes [increased number of units] to the plans for the above site. The proposal for 10 bungalows on this site is something which has strong community support and also meets with the feedback I have consistently got from the place standards initiatives which I have run in the ward (I have done 3 so far). I have two major concerns about what is being proposed, firstly the desire to have a number of properties facing onto Denby Lane with drives and offroad parking accessed from Denby Lane.

Response: *The previous sections of the report set out in detail the reasons why the proposal is considered to be an inefficient use of the site. It is also considered it would be possible to have more dwellings fronting Denby Lane without the frontage being dominated excessively by hard surfaces.*

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 residential development on a housing allocation. Residential development here is therefore acceptable in principle. The development, by providing only 10 units on a site with an indicative capacity of 22 (and notwithstanding the physical constraints on the site), fails to make efficient use of the land or optimise the development potential of the site as required by Local Plan policy LP7 and paragraph 128, 129 and 135e of the NPPF.
- 11.3 Whilst the local highway network is of a sufficient standard to take on the traffic generated, the proposed internal layout is considered unsatisfactory from the point of view of future servicing (and especially refuse collection) arrangements.
- 11.4 The design and appearance of the proposed development is considered acceptable, although improvements could have been made in some respects. There would be no undue material harm to the amenity of neighbouring residents, drainage, ecology, and trees, issues that have been addressed through 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 not constitute sustainable development and is therefore recommended for refusal.

12.0 REASONS FOR REFUSAL

1) The quantum of development proposed, at 10 units, fails to optimise the development potential of the site and fails to achieve efficient use of land, contrary to Policy LP7 of the Kirklees Local Plan and paragraphs 128, 129 and 135(e) of the National Planning Policy Framework.

2) The design and layout of the proposed estate road does not meet adoptable standards and would therefore not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable. It has also not been demonstrated that the gating of the estate road beyond the first turning head would provide suitable access for emergency service vehicles. The development would therefore fail to allow the convenient collection of waste as required by Policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the National Planning Policy Framework.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93704>

Certificate of Ownership A completed