

Public Document Pack



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

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Wednesday 3 June 2026

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 11 June 2026**.

(A coach will depart the Town Hall, at 10:00 am 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 Khuram Amjad (Chair)
Councillor Bill Armer
Councillor John Hardie
Councillor Maciej Kapsa
Councillor David Knight
Councillor Andrew Pinnock
Councillor Christine Smith

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	Green	Holme Valley Ind.	Kirklees Independents	Liberal Democrat	Reform UK
T Bamford	A Cooper				S Dransfield
T V Bamford	T Cooper	C Greaves	A Anwar	D Ridgway	L Fallas
M Bolt	M Jawaid	J Roebuck	T Bramwell	A Robinson	G France
D Brook	S Lee-		Z Kahut		P Harvey
J Taylor	Richards		K Patel		M Howard
	M Price				P James
	I Safdar				S Maxfield
					M Smith

Kirklees Independents

A Anwar
T Bramwell
Z Kahut
K Patel

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

To approve the Minutes of the meeting of the Committee held on 2 April 2026.

3: Declaration of Interests and Lobbying

1 - 2

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: Site Visit - Application No: 2025/92713

Reserved matters application pursuant to outline permission 2023/92079 for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls and discharge of details reserved by conditions 4 (noise), 5 (BEMP), 6 (Arboricultural Impact Assessment), 7 (safety and security), 8 (landscape), 9 (LEDS) Rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF.

Ward affected: Birstall and Birkenshaw

Contact: Nick Hirst, Planning Services

Estimated time of arrival at site – 10:10 a.m.

8: Site Visit - Application No: 2023/91907

Demolition of dwelling to create access and erection of 10 dwellings rear of, 18, Kingsley Avenue, Lockwood, Huddersfield, HD1 3SR.

Ward affected: Crosland Moor

Contact: Nick Hirst, Planning Services

Estimated time of arrival at site – 11:05 a.m.

9: Planning Applications

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 8 June 2026.

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

Note: If you do not receive acknowledgement of your email by 5:00pm on Tuesday 9 June 2026, please telephone the Governance Team on the above number.

10: Planning Application - Application No: 2025/92713 7 - 46

Reserved matters application pursuant to outline permission 2023/92079 for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls and discharge of details reserved by conditions 4 (noise), 5 (BEMP), 6 (Arboricultural Impact Assessment), 7 (safety and security), 8 (landscape), 9 (LEDS) Rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF.

Ward affected: Birstall and Birkenshaw

Contact: Nick Hirst, Planning Services

11: Planning Application - Application No: 2023/91907 47 - 82

Demolition of dwelling to create access and erection of 10 dwellings rear of, 18, Kingsley Avenue, Lockwood, Huddersfield, HD1 3SR.

Ward affected: Crosland Moor

Contact: Nick Hirst, Planning Services

Planning Update Report

A further report providing information on matters raised following the publication of the agenda may be published prior to the meeting.

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KIRKLEES COUNCIL
DECLARATION OF INTERESTS AND LOBBYING
Strategic Planning Committee

Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

Agenda Item 9

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 December 2024 and updated February 2025, 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

The Council's Development Management Charter (December 2024) 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 56 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, 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.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 11-Jun-2026

Subject: Planning Application 2025/92713 Reserved matters application pursuant to outline permission 2023/92079 for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls and discharge of details reserved by conditions 4 (noise), 5 (BEMP), 6 (Arboricultural Impact Assessment), 7 (safety and security), 8 (landscape), 9 (LEDS) Rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF

APPLICANT

Mr Carter, PPJ
Developments Ltd

DATE VALID

10-Oct-2025

TARGET DATE

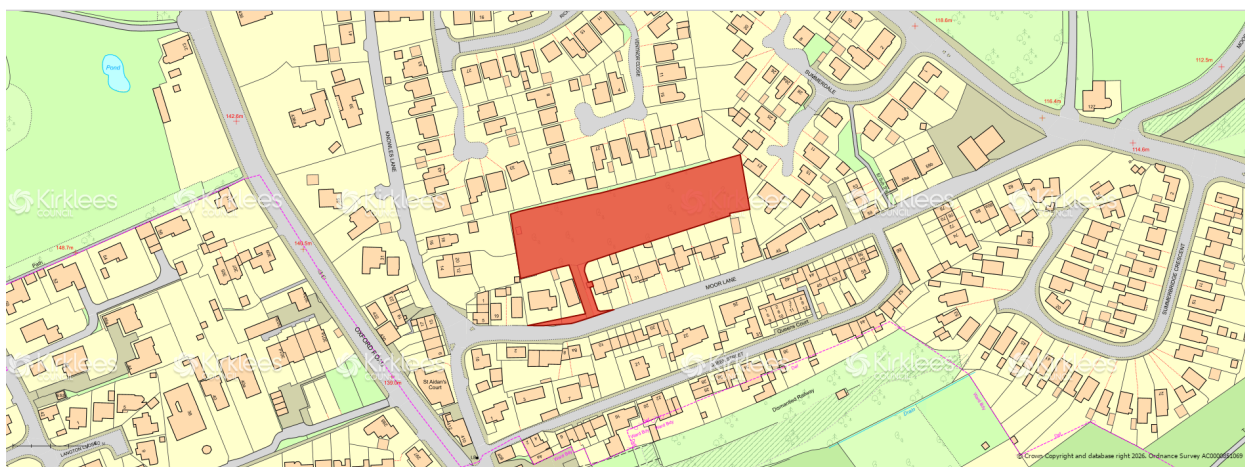
09-Jan-2026

EXTENSION EXPIRY DATE

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 The application seeks reserved matters approval for the erection of 10 dwellings off Moor Lane at Gomersal pursuant to outline application ref 2023/92079. The reserved matters under consideration as part of this application are appearance, scale, layout and landscaping. The principle of development and access were considered at outline stage.
- 1.2 The application has been brought to the Strategic Planning Committee for decision due to the significant volume of local opinion received. This is in accordance with the Council's Scheme of Delegation.
- 1.3 For information purposes, a discharge of condition application seeking to discharge several of the conditions attached to the parent outline application reference 2025/92737 has also been received and is currently pending determination.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site red line boundary measures approximately 0.44 hectares, and comprises an area of vacant, vegetated land to the north of Moor Lane which is bounded on all sides by existing residential dwellings on Moor Lane, Summerdale, Ventnor Close, Richmond Grove, and Knowles Lane.
- 2.2 The site is accessed via land between Nos. 25 and 27 Moor Lane. The blue-line plan for the application (i.e. land owned by the applicant but which does not form a direct part of the application) includes no.27 Moor Lane.
- 2.3 The site has not previously been developed and hosts a number of mature trees, predominately around the boundary. Several of the trees along the northern boundary are protected by Tree Preservation Orders.
- 2.4 The site is unallocated within the Kirklees Local Plan and is located outside of the Cleckheaton Conservation Area, the boundary of which lies to the west of the site, and south of Moor Lane. To the west of the site, is a grade II* Listed building located within the Conservation Area boundary.
- 2.5 The site is within a Coal Referral Area, and within an area known for Bats.

3.0 PROPOSAL

3.1 The applicant is seeking Reserved Matters approval for ten dwellings. The Reserved Matters are appearance, landscaping, layout and scale, pursuant to outline consent (2023/92079), which included the consideration of access, and granted consent for a residential development of ten dwellings, demolition of an existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.

3.2 As noted, access does not form a consideration of this application, having been approved at outline stage. However, for completeness, it was approved as being taken between No.25 and No.27 Moor Lane via a new widened access (including via the demolition of an extension at no. 27) approved as part of the outline planning application. This access would connect to an internal estate road (the layout of which does form a consideration of this reserved matter application) which would be part offered for adoption, and part private and maintained by a private management company¹.

3.3 The proposed development comprises ten dwellings with a mix of eight detached dwellings, and a pair of dwellings linked by their garages, made up of the following house types:

- Type 01 – 2no two storey linked attached dwellings with attached garages along northern boundary comprising 3 bedrooms
- Type 02 – 1no two storey detached dwelling along northern boundary comprising 3 bedrooms (no integral garage)
- Type 03 – 1no two storey detached dwelling along northern boundary with integral garage comprising 4 bedrooms
- Type 03A – 3no two storey detached dwelling with integral garage along northern boundary comprising 3 bedrooms.
- Type 04 – 1no two storey detached dwelling with habitable rooms in the roof space and attached garage located in south-western corner of site comprising 5 bedrooms
- Type 05 – 1no two storey detached dwelling with integral garage along northern boundary of site comprising 5 bedrooms
- Type 06 – 1no 2 storey detached dwelling with attached garage in north-eastern corner comprising 4 bedrooms

In total, the proposal seeks:

- 1 and 2 beds: 0 / 0%
- 3beds: 6 / 60%
- 4+ beds: 4 / 40%

3.4 Each of the dwellings would benefit from private parking, private rear gardens and areas of soft landscaping together with some tree planting to the front of the dwellings. Boundary treatments are proposed as new 1.8m high timber fencing, retention of existing timber boundary treatment, and retaining walls with railings above.

¹ A provision for which was secured within the outline's Section 106 agreement.

- 3.5 No on-site Public Open Space is proposed.
- 3.6 One visitor parking layby and two visitor parking spaces, at the end of the second (central) turning head, are proposed. The existing property, no. 27 Moor Lane, would lose its current parking facilities to enable the development; dedicated (replacement) parking for no. 27 Moor Lane is proposed to be located adjacent to plot 3.
- 3.7 Condition 16 of the outline consent requires that a detailed drainage strategy be submitted as part of a separate Discharge of Condition application. However, in so far as it relates to the matter of layout, two attenuation tanks are proposed, one indicatively shown to be located under a proposed turning head, and the other in front of plots 8-10.
- 3.8 Outline application 2023/92079 included six conditions that required details to be submitted at Reserved Matters stage. These are:
- Condition 4 (noise)
 - Condition 5 (BEMP)
 - Condition 6 (Arboricultural Impact Assessment)
 - Condition 7 (safety and security)
 - Condition 8 (landscape)
 - Condition 9 (LEDS)

Information pursuant to these conditions has been submitted and therefore will be assessed as part of this application.

- 3.9 Various other conditions were imposed at outline stage. Where these require the submission of information, but did not require details to be specifically submitted at reserved matters stage, they will be determined under a separate Discharge of Condition application process².

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 At the site

2009/93447: Outline application for erection of 5 dwellings - Withdrawn.

2012/92903: Outline application for erection of detached dwelling –Withdrawn

2022/92100: Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Refused

2023/92079: Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Conditional Outline Permission

2025/92737: Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – pending a decision

² With Discharge of Condition application ref. 2025/92737 submitted and ongoing at the time of publish.

Adjacent to the site

16 Ventnor Close

2007/94079: Erection of detached garage – Conditional Full Permission

2007/94676: Alterations to convert integral garage to a room – Conditional Full Permission

17 Ventnor Close

2017/92464: Conversion of garage into living accommodation – Conditional Full Permissions

23 Ventnor Close

2008/92398: Erection of conservatory – Conditional Full Permission

2010/91206: Erection of extensions and new roof – Conditional Full Permission

25 Ventnor Close

2013/92740: Certificate of lawful use for proposed single storey rear extension – Granted

25 Moor Lane

2014/90592: Raising roof and walls to form rooms in roof space to form two storey dwelling – Conditional Full Permission

33 Moor Lane

2016/92960: Erection of extensions to the front – Conditional Full Permission

43 Moor Lane

2012/93142: Certificate of lawfulness for proposed erection of single storey extension – Granted

2014/90697: Prior Notification for single storey rear extension – Not required

14 Knowles Lane, Gomersal

2006/95395: Erection of single storey extension and formation of first floor window (Listed Building) (Within a Conservation Area)

2006/95429: Listed Building consent for erection of single storey extension and alterations at first floor to form new bedroom with window to side elevation – Consent Refused

2007/92728: Listed Building Consent for internal alterations to form 3rd bedroom and installation of velux rooflight (within a Conservation Area) – Consent Granted

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 During the course of the application officers negotiated with the applicant, via meetings and email exchanges, to achieve the following:

- Address concerns over the proposed housing mix, as required by the Council's SPD
- Address highway safety issues including details of forward visibility, visitor parking, waste collection.
- Address the lack of landscaping details
- Address crime prevention issues
- Address residential amenity concerns
- Address drainage issues, including concerns raised by third parties regarding flood routing through neighbouring property
- Address concerns raised by representations regarding trees and separation distances.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019)

6.2 The site is unallocated in the Kirklees Local Plan. The following Local Plan policies are considered relevant to the proposal:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic environment
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land

National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

6.4 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.5 Other relevant national guidance and documents include:

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

Climate Change

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

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

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was initially advertised by site notices and a press notice with the initial publicity expiring 02/12/2025. As a result of this publicity 47 objections were received. A summary of the main concerns is detailed below:

Highway Safety

- Concern about additional traffic on Moor Lane, a poorly surfaced and narrow rat run between the A651 and A652. Recent temporary traffic lights have highlighted how congested/dangerous the area becomes.
- The proposal will result in more on street parking on Moor Lane, congested due to houses not having off road parking which reduces the road width to one lane, and visibility from driveways is poor.
- The outline application had 3 visitors parking spaces, only 2 are proposed. The spaces are on a private drive and Plots 7-10 will not allow visitors down and they will be used as private spaces. Concern entrance road and roads within the development will become congested, and vehicles will park on Moor Lane.
- The sight line has increased car speeds. Request to consider speed bumps, parking on one side of Moor Lane, resident access only, or a one way system.
- Concern plots 7-10 exceed the recommended bin drag distance. Plot 3 have to drag bins via a gate onto plot 4. Facilities should be provided to allow delivery or service vehicles to turn.
- The drive width in front of plot 9 reduces to less than 4.5 metres.
- Demolition of No.27's extension makes no difference to access due to high hedges. Traffic will not see down Moor Lane and splays are inaccurate.
- Vehicles travelling up Moor Lane straddle the centre line, and some cannot be seen until 10 to 15 metres from the entrance.
- Concern about use of Moor Lane by Construction vehicles.
- 27 Moor Lane is allocated 2 parking spaces, unfortunately residents and visitors may have to enter/exit Plot 2's private property.
- Safety concerns as the visibility splays show that you can see down the street whereas there is vegetation to the front of neighbouring properties. Concern about existing neighbouring driveways or children safely crossing the road

Drainage

- The site has a steep gradient and flood routing is a significant risk, concern the flood exceedance plan has inaccuracies and an illegal route.
- Plastic crates and a 6-inch pipe will carry surface water and foul sewerage to a Yorkshire Water drain in Moor Lane. Concern over capacity and whether this ensures the site is developed with separate systems of foul and surface water drainage.
- Moor Lane suffers water flow during heavy rain, the drain is struggling to cope from apartments recently connected.
- Query why the developer proposes to tank walls. If tanking is necessary, this confirms surface water is going to be a problem.
- Concern the sewer in Moor Lane will not be sufficient to cope with surface water and foul water and a '1 in 100 year storm event.'
- The area has a high risk of flooding, properties on Summerdale suffer from occasional standing water in gardens.
- Two attenuation installations are proposed across road / drives. Permeable membranes will act as a soak away and surplus water will percolate into the ground and compound flooding. The land has stability issues and could be at risk of settlement, a silt liner could allow water to flood neighbouring property.

- Concern about lack of maintenance access.
- Evidence of a surface water sewer in Moor Lane is not acknowledged. Concern over lack of alternative options, incomplete drainage drawings and discharge rates. It would be premature and unsound to approve Reserved Matters before drainage is properly assessed.
- Concern if further consultation has occurred on amended plans.
- The floodwater route would be past the conservatory of 21 Summerdale or through a wall gate between 19 and 21 or into the garden of 17 Summerdale. Flooding could affect 14 houses.
- System failure will result in flows into third party land. Suggest a raised kerb to intercept flows with a small bund/wall along eastern boundary.
- Concern no third party agreement with owners of affected properties. Yorkshire Water state run off cannot be directed through or over third party land without permission.
- A culvert at 15 Summerdale needs investigating
- If drainage gets approved through 41 Moor Lane, then route overland flood water too. A ground hard surfaced, contained channel with suitable kerbs could be incorporated.
- Plans show a 150mm diameter pipe for foul and surface water to run through No 41 Moor Lane and into a combined drain in Moor lane. Foul and Surface water should be kept separate.
- The area is prone to flooding, and additional hard surfaces will exacerbate this, putting homes/gardens at greater risk.
- Concern due to potential issues of spillage and lack of access, and environmental and public health risks.

Ecology/ Trees

- There are established trees which support a variety of wildlife. Concern about significant habitat loss and disruption to the local ecosystem.
- The AMS fails to correctly show trees on neighbouring property. A TPO does not seem to have been acknowledged, the status, size and quantity of cherry trees are inaccurate and trees and root balls shown smaller. Concern the development does not protect the root ball of TPO trees.
- The lower branches of TPO trees are 7 metres over the boundary. Permission must be obtained ahead of work to tree branches, cutting back, lopping, topping and root work.
- Excavation works must be done outside of the root protection area.
- The sycamore trees are no longer worthy of a TPO but the developer should be required to replace them for screening.
- Concern about damage to gardens from removing trees.
- Inaccuracies in the report - The documents make reference to an address, Ings Grove Park, not in this area.

Environmental

- Concern ground is unstable due to mine workings and works could destabilise neighbouring land.
- Concern about disturbance to the water table from high pressure grouting.
- The geo-environmental report confirms arsenic levels above safe limits in the topsoil.

- The site is within a radon-affected area, with no assessment of how radon gas may migrate towards properties once ground is disturbed.
- The remediation plan lists risks such as inhalation of contaminated dust, dermal contact with polluted soil, and ingestion of contaminated materials, but provides no protections for residents.
- Concern about risk to garden plants/home-grown produce. The application does not include a full remediation strategy or radon mitigation assessment.
- There is a danger to life, especially children playing in gardens.
- Radon has been found in high levels; a radioactive gas that causes lung cancer and kills over 1000 people in the UK every year.
- High levels of lead are present and specialist removal is required.
- The report gives no methods of how remediation is to be done.
- Arsenic and Lead contaminated topsoil will temporarily be piled-up and stacked at the boundary to neighbouring residential properties.

Residential Amenity

- The plans do not adhere to minimum distances. Plot 10 has two non habitable bathroom windows and a door, the minimum separation distance to 21 Summerdale should be 12 metres. Plot 10 is 8.876 metres from No 21 Summerdale and the conservatory is not shown.
- The gable of Plot 10 will be 2 metres higher than the ridge of 21 Summerdale which will be oppressive and affect daylight.
- Plot 10 will be only 2.00 to 4.00 metres from the boundary of No 21 Summerdale. It would have a floor level 2 metres higher and a ridge height 3.8 metres higher affecting privacy and daylight.
- Plot 10 has a door in the western wall and concern its use will result in loss of privacy.
- Concern about noise and pollution of traffic adjacent to gardens.

Scale/Appearance and Layout

- A section of Moor Lane is in a conservation area. The local character has been ruined by demolition of walls and splaying of the highway. Building of large new houses will not enhance the aesthetics.
- The indicative outline application had an open feel with communal habitat zones. By reason of the number of dwellings and layout it would be a cramped and intensive form of development.
- Originally 3 open space areas were proposed totalling 465m²
- Plot 1 overlooks the Grade II star Listed Building and a 3 storey building will increase the impingement on its setting.
- Plot 1 is 3 storey despite a condition all properties must be 2 storey. Aesthetically this will look different, and at the entrance to the site and the highest point would have a detrimental impact on property.
- Concern about loss of amenity space, and the proposal is a more cramped development with tiny gardens.
- The distance between each property is between 900mm and 1.00 metre and bears no relationship to the outline application.
- Plots 1 and 10 are 5 bed houses (plot 1 is 3 storey), they should be 2 storey smaller 4 bed houses.
- Plots 1 and 2 should be sited further into the development, further from the Grade II listed building and to create more amenity space.
- There is a 1 metre footpath separating all but one house, despite a condition properties must be at least 2 metres apart.
- Reduced garden size along with less areas for grass and planting, and the two "Communal Grassed Zones" have disappeared.

Other

- Concerns including insufficient natural surveillance of parking areas, climbing aids created by boundary and landscaping proposals and risks relating to external equipment such as heat pumps and EV chargers relevant to Condition 7 remain unaddressed.
- Query if a new application is required due to the changes to the approved outline application.
- The development claims to meet local needs however the local area needs smaller and cheaper housing for first time buyers.
- Concern about the lack of publicity for the application
- Concern about additional noise and pollution.
- Disruption caused by improving the visibility splay was significant and traffic lights made parking dangerous. Noise pollution and pollution caused by stone cutting left cars and property covered in dirt, and lead to loss of privacy. Concern construction workers will create parking issues for residents.
- Query why the corresponding Discharge of Condition application is not open to comments. Concern how two linked applications will be coordinated in the decision-making process.

7.2 Amended Plans were received and re-advertised by neighbour letter to all third parties who had previously made a representation, with the publicity expiring 26th March 2026. As a result of this publicity 23 further representations have been received. Below is a summary of the concerns raised:

Residential Amenity Concerns

- Minimum separation distances have not been adhered to and will increase overlooking and overshadowing. Housebuilders Design Guide SPD specifies 12 metres minimum separation distance.
- The ground level of 21 Summerdale is 123.61 but only Finished Floor Level is shown for Plot 10 and is not comparing like for like. Plot 10 ground level is 124.45 compared to 21 Summerdale's 123.61. Ridge level difference is 4.15 metres. It does not comply with UDP BE12 (Saved Policy)
- The topography is higher and separation distances should be increased adding 2 metres for every 1 metre of elevation difference. The distance between Plot 10 and 21 Summerdale, should be 13.6 metres, 12 metres + 1.6 metres measured from 21 Summerdale's conservatory.
- The ridge should be vertical distance from a fixed datum, not floor level
- Taller buildings cast shadows, reduce natural light and may overlook.
- Plot 10 is 2.59 metres taller than 21 Summerdale. Add the difference in height of nearly 1 metre and this makes the difference 3.59 metres which will have a significant impact on loss of light, loss of privacy and overshadowing.
- The line between Plot 10 and 21 Summerdale is drawn at an angle of 56 degrees. It should travel horizontally to plot 10's gable wall. The distance should be taken from habitable window to non-habitable window. By measuring at 56 degrees, the distance appears greater. The real separation distance is 8732, not 10717 and should be 12 metres.
- Conservatory to Plot 10 should read 5557. 21 Summerdale's gable wall to plot 10's gable wall should read 7343. There are measurements unrelated to 21 Summerdale. The measurements supplied are calculated incorrectly.
- The distance between Plot 10 and 21 Summerdale are: Conservatory (rear corner) (habitable room) is 6150 Lounge (habitable window) is 10717 Plot 10's gable end wall to 21 Summerdale is 8786. None comply with the minimum distance of 12 metres.

- The window in the gable of 21 Summerdale has been categorised as a secondary window. The house has two primary windows into a through lounge. Secondary windows are fixed glazed, small with no opening. The separation distance should be 12 metres, not 10.717. The distance between the conservatory and Plot 10 should be 12 metres, not 6.150 metres.
- Plot 10 will overlook and overshadow the house, conservatory and gardens at 21 Summerdale and result in loss of light, privacy and be overbearing.
- Building Research Establishment standards for daylight and sunlight impacts include the 25-degree rule and not the 45-degree rule for extensions.
- A line drawn from the window in 21 Summerdale at a 25-degree angle towards Plot 10 does not pass over ridge level of Plot 10. 21 Summerdale will experience an unacceptable loss of daylight and sunlight.
- A 34 degree angle is shown from 21 Summerdale's conservatory instead of the habitable window. This line has been calculated to a point on Plot 10's roof, halfway down, between ridge and eaves level and does not miss the highest point of plot 10's ridge level. Measurements are contrived and give a false representation.
- The window in the gable of 21 Summerdale has been categorised as a secondary window. The windows in the through lounge are primary. The 25-degree rule should be adhered to and measured from this window.
- Neighbouring' residents have a prescriptive right to light and this development will affect this right.

Highway Safety and Waste Collection

- Concern adding properties, cars and parking will make a busy road worse.
- The number of car parking spaces is too small.
- 10 4/5 bedrooms houses will mean each household will own 2,3,4 maybe 5 vehicles adding to congestion on Moor Lane.
- Moor Lane is narrow, has a severe bend just up from the access and at the very end of Moor Lane the junction has difficult visibility with fast traffic travelling along Oxford Road. Concern about impact of construction vehicles.
- Moor Lane has vehicles parked either side which would be difficult for a fire engine. The junction at the bottom onto Bradford road has poor visibility with fast traffic.
- Moor lane is a narrow lane and in poor condition. It has a severe bend above the access to the site, 2 difficult junctions top and bottom, is a cut through and has accidents due to speed and volume of traffic
- The outline application had 3 visitors parking space, and this has 2, located down a private drive and not apparent to visitors to plots 1-6. Lack of spaces will create roadside parking and the entrance road and roads within the development to become congested with more vehicles forced to park on Moor Lane. Many properties on Moor Lane do not have off-road parking.
- For plot 3 bins have to come out via a gate to plot 4's land.
- The bin drag distances do not all comply with regulations.

Scale and Appearance

- By reason of the number of dwellings and layout, the proposal would result in a cramped and intensive form of development out of keeping with the character of the area.
- Concern ridge height is in keeping with street scene, and eaves level restricted to keep the mass in proportion with neighbouring properties and maintain the street scene. All houses follow the general land gradient until plot 10. Plot 10 ridge is higher than plot 9 by approximately 500mm.
- Plots 1 and 10 should be smaller 4 bed houses and housing should be no higher than 2 storey
- Plots 1 and 2 are to be built in stone and the remaining houses in Buff Brick despite surrounding properties in Summerdale, Ventnor, Richmond and part of Moor Lane being Natural Stone
- Nothing has changed to the house types and layout
- Plot 1 is 3 storey but they should be 2 storey 4 bed houses. Plot 1 originally had an area of 161.4 sq m now increased to 225.21 sq m excluding garage. Plot 2 was 161.4 sq m in 2023 and now 163.48 sq m excluding garage in 2025. Plot 10 was 153.5 sq m in 2023 and now 185.8 sq m.
- Plots 1 and 2 should be sited further into the development in deference to the Grade II listed building and create more amenity space in the south-western corner.
- The application bears little resemblance to the outline application. 10 large houses will look cramped and cluttered. The outline application had a GWA of 1461 m² and the planning application proposes 1528.42 m².
- Manor House/Peel House, 12 & 14 Knowles Lane is a Grade II Starred Listed Building, west of the site. Plot 1 overlooks this listed building. As Plot 1 has now been increased to 3 storeys, this will increase the impingement on the setting of this listed building.

Drainage /Flood Risk

- Concern if drainage documents are accurate and people have been given opportunity to comment on them.
- Under "Foul water strategy" the rear garden of plot 43 is mentioned. Presume this should say 41.
- Concern the development is not honouring outline planning conditions.
- The flood exceedance route is still directed towards the garden and house of 21 Summerdale. Align are playing the flood occurrence down to 1 in a 100 years. Yorkshire Water have said this route cannot happen without permissions, and Policy LP28 concurs.

Other

- No consideration given to affordable housing.
- Does Gomersal really need more 4&5 bedroom houses
- The village is overpopulated, concern about schools/doctor provision.
- Concern how the entrance to the site has been left. Walls were moved back and No 25 is left in limbo as the sides have not been finished.
- The single storey part of No 27 was to have been removed within 2 years of the planning agreement. The driveway is a messy building site. Require a date for the making good of the driveway or for it to be put back to a reasonable state,

- PPJ have failed to adhere to outline planning conditions and section 106 conditions.
- PPJ have not yet had reserved matters condition 8, Landscaping, accepted
- Query why they have cleared the site and taken trees down

7.3 Amended plans were advertised by a further round of publicity, expiring 4th June, the day this report is due to be published. Therefore, any representations received on the final day are not reported below; if any are received within this window, they will be reported within the committee update. At the time of the publication of the Planning Committee report 7 additional representations have been received. A summary of the main concerns raised is as follows:

Residential Amenity

- The ground level of 21 Summerdale is 123.61 but only the Finished Floor Level (FFL) is shown for Plot 10 and is not comparing like for like.
- Plot 10 is going to be a minimum of 10 foot higher than 21 Summerdale and will result in 21 Summerdale being overlooked and overshadowed.
- Minimum separation distances have not been adhered to and will increase overlooking and overshadowing on 21 Summerdale.
- Plot 10 ground level is 124.45 compared to 21 Summerdale's ground level of 123.61. This gives 0.84 metres difference, Plot 10 will be higher than 21 Summerdale and increase the difference between Plot 10 and 21 Summerdale's ridge levels. This ridge level height differences is: $3.31 + 0.84 = 4.15$ metres height difference. Plot 10 will be more than 13.5 feet higher than 21 Summerdale which will result in loss of amenity of 21 Summerdale through loss of light, overshadowing and privacy.
- This application does not comply with Kirklees Unitary Development Plan BE12 (Saved Policy) regarding minimum separation distances.
- Separation distances should be increased to allow for extra elevation.
- The measurement of a roof's ridge height should be measured as the vertical distance from a fixed ground-level datum to the highest point of the roof and not to Finished Floor Level. Measurements should be taken from the highest point of the roof and lowest point of ground level.
- Ridge height should be in keeping with the surrounding street scene, not significantly higher. Eaves Level is restricted to keep the building mass in proportion with neighbouring properties and maintain street scene harmony. Structures near boundaries face stricter height restrictions to prevent shadowing and overlooking.
- The siting of plot 10 is unacceptable, and will cause overlooking, overshadowing, and over-dominance to 21 Summerdale contrary to Policy BE12 of the Kirklees Council Unitary Development (Saved Policy) and Kirklees Housebuilding Design Guide SPD.

Highway Safety Issues / Waste Issues

- Moor lane cannot withstand additional traffic either from construction traffic or future residents The lane is narrow with a severe tight bend metres from the access. It has difficult junctions with restricted views at the top and bottom. Vehicles park both sides of Moor lane and there have been many accidents because it's used as a 'rat run' cut through from Oxford Road & Bradford road.

- The bin drag distance for plots 8, 9 and 10 exceed the allowable maximum of 25 metres.
- Two visitors parking spaces have been relocated into the head of turning area between Plot 5 and Plot 6, and the 3rd space has been located opposite the turning area, such that the turning area is not long enough to accommodate a delivery/service vehicle.
- RCV's are shown travelling forward between Plot 2 and Plot 3 and reversing past Plots 3, 4 and 5. The RCV will need to reverse 47.4 metres to the Bin Collection Point, exceeding a 12 metre maximum reversing distance. The private drive is 20 metres and facilities are needed to allow delivery or service vehicles to turn.

Other

- Bin areas in full view from plots 9 and 10 will spoil the street scene
- Concern how long the development has been going on and why the planning application isn't refused
- The housing mix is too big for the site.
- Concern about whether the developer is a responsible builder
- The latest plans bear no resemblance to the outline approval, and a new application should be submitted.
- Query if meetings have taken place between Kirklees Planners and PPJ developments.
- PPJ have not adhere to the Section 106 agreement.
- Difficult to distinguish between the two greens on the landscaping plan.
- The proposal is a cramped, contrived development.
- The development is not workable because the house sizes and footprint have substantially increased compared to the plans approved by outline permission.
- Concern about dirt and inconvenience from the works.
- TPO trees have not been accurately plotted.

7.4 As noted above, a summary of any additional representations submitted will be provided in the update.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The Mining Remediation Authority – No objections; there are no recorded coal mining features present at the site that could affect the layout, no specific comments to make on this reserved matters application or the specific conditions that the applicant is seeking to discharge.

Yorkshire Water – Yorkshire Water has no objection to the approval of the reserved matters, in so far the details provided in relation to the discharge of conditions 19 and 20 are now acceptable. Drawing PV2511-APP-92-XX-DR-C-2500 shows separate systems discharging foul water to the public combined sewer in Moor Lane and a surface water connection with flows limited to 3.5 litres/second discharging to the dedicated surface water sewer also in Moor Lane.

K.C Lead Local Flood Authority – This application regarding Conditions 4 to 9 is not related to drainage. Please refer to 2025/92737 for the LLFA's Consultation comments on the recently revised drainage plans regarding Conditions 16 and 17.

K.C Highways Development Management – To ensure the bins get collected they must be placed in a bin collection point adjacent to the adopted highway. With the current layout this will mean that the drag distance, to the bin collection point, is greater than 25m

All three proposed visitor spaces are located on the section of the layout, which is to remain private and therefore won't be available to visitor's visiting properties on the adopted section of the layout. Advise one visitor space is provided within the adopted section of the layout.

8.2 **Non-statutory**

K.C Conservation & Design – No objections subject to conditions. Plots 1 & 2 should be natural stone, with slate roofs. The other houses could be a good quality artificial stone or buff coloured brick, not red brick. The small number of red brick houses on the frontage are an anomaly in this area. There is a strong local distinctive character of natural stone within the Conservation Area and most of the surrounding houses. The use of more red brick would dilute the character of the area and would be visible through houses. Landscaping on the boundary could include natural stone wall and native tree planting.

K.C Trees – No objections, the AMS is acceptable and the development shall be completed in accordance with the advice and directions contained in the above-mentioned AMS and Tree Protection Plan.

K.C Ecology – No objections, Consider the details for conditions 6, 8 and 9 is acceptable.

K.C Landscape – Insufficient details have been provided. Landscape have been re-consulted on the amended landscape plan.

K.C Environmental health – The details to satisfy the noise condition is acceptable.

K.C. Highways (Waste) – No objections as long as the bin collection point is adjacent to the adoptable highway.

West Yorkshire Police Liaison Officer – No objections, the proposals from a designing out crime and security perspective are acceptable. Condition 7 can be discharged provided that the development is delivered in full accordance with 'Safety and Security Measures' document.

9.0 **MAIN ISSUES**

- Principle of development
- Layout
- Appearance
- Landscaping
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 As this application relates to an application for reserved matters approval pursuant to outline consent 2023/92079 only matters relating to appearance, layout, scale and landscaping are being considered as part of this application. The principle of the development has been approved by permission 2023/92079 and it is therefore not considered necessary to re visit the principle of development as part of the consideration of this application.
- 10.2 Application 2023/92079 included the consideration and approval of access. For completeness, access is defined as:

the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

Therefore, access does not form part of this reserved matter application.

Layout

- 10.3 Layout is defined as:

the way in which buildings, routes and open spaces within the development are provided situated and orientated in relation to each other and to buildings and spaces outside the development.

Housing Density

- 10.4 National and local policy each establish principles to ensure development delivers an effective and efficient use of land. Policy LP7 relates to ensuring the 'efficient and effective use of land and buildings'. Specific to residential proposals, the policy also seeks to promote a density of 35 dwellings per ha (dph), where appropriate.
- 10.5 The proposal is for 10 dwellings on a site of c. 0.44ha which equates to a proposed housing density of c. 23 dwellings per hectare. In the committee report to the outline planning application, it was reported that this is considerably lower than the policy requirement and at the lower end of existing densities in the surrounding area. Nonetheless, it was concluded that the site would be incapable of accommodating a residential development of 35 dwellings per hectare due to its size, shape, site constraints, and visual and landscape character impacts on the surrounding area given the nature of the surroundings developments' densities and built form/dwelling types. A proposal for 10 dwellings was therefore previously considered to be acceptable and included within the approved description of development.

Urban design (layout)

- 10.6 Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring that the proposed layout respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. The Kirklees

Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. Officers note the concerns raised in the representations received, that the proposal would result in a cramped and intensive form of development with limited separation distances between plots, and that previously shown communal open spaces in the indicative outline layout have been omitted as part of the reserved matters application.

- 10.7 The proposal is for ten dwellings with a mix of eight detached dwellings, and a pair of dwellings linked via their garages. The dwellings would be accessed from a part adopted and part private driveway, with off-street parking to serve each dwelling, and private amenity space to the rear. The dwellings would be arranged to achieve a consistent building line and an ordered frontage to satisfactorily integrate with surrounding development. There is considered to be sufficient space about dwellings, both those within the site and to existing neighbouring dwellings, from an urban design perspective. Given the layout and size of the site, and that ten dwellings have been consented at outline stage, the general layout proposed is considered to be the most logical approach to developing the site from a design perspective. It would suitably reflect and harmonise with the established urban grain and neither detract from the visual amenity nor character of the area.

Tree Constraints

- 10.8 Policy LP33 of the Kirklees Local Plan seeks to protect and enhance existing trees particularly those of significant amenity value and ensure that new development integrates appropriately with existing natural features. The site has several trees, and along its northern boundary the trees are protected by Tree Preservation Orders.
- 10.9 The Council's Tree Officer was consulted on this application and considers the draft tree protection plan is acceptable and there are no objections to the proposed layout of the site from an Arboricultural perspective. An Arboricultural Method Statement (AMS) has been submitted and assessed by K.C Trees who recommend the development be completed in accordance with this document. Accordingly, subject to the imposition of a condition to secure adherence to the AMS, the proposal is considered to appropriately safeguard existing trees of amenity value in accordance with Policy LP33 of the Kirklees Local Plan.
- 10.10 Concerns have been raised in the representations received that the trees protected by TPO 05/25/g1 along the northern boundary have not been accurately recorded within the tree survey and therefore that the tree protection measures would be inadequate. K.C Trees have confirmed no structures or hardstanding are proposed within (or close to) the RPA or canopy-line of the protected trees and there will be no adverse impact on the protected trees and notices are to be affixed to the tree protection fencing as shown within the AMS. Notwithstanding this, for the neighbouring property trees to be afforded the same protection as tree T16, the applicant was asked to amend the method statement so that the Tree Protection Fencing is adjusted to bring it in-line with the position of the fence protecting T16. An updated AMS has been submitted and K.C Trees have confirmed that this adequately addresses this matter and is satisfactory. As a further protection, a condition requiring that no works to trees beyond those specifically identified within the submitted Arboricultural Reports are undertaken, unless details are submitted and approved, is recommended to be included.

Heritage Impacts (layout considerations)

- 10.11 The site is situated close to the northern boundary of the Gomersal Conservation Area, which also wraps around the west of the site. To the west of the site and within the conservation area is the Grade II* listed Peel House, Manor House at 14 Knowles Lane, a mid-late 17th century manor house constructed in stone with some timber framing. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72 states that with respect to buildings in a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area'. Concern has been raised in the representations received that Plot 1 will overlook the Listed Building and its scale will infringe on its setting.
- 10.12 K.C Conservation and Design raise no objections to the proposed layout and position of plots. This is giving due regard to the separation distances between the new plots and both the listed buildings and Conservation Area, and lack of prominent shared vistas and lines of sight. They note the proposed access to the site, which would be the more prominent new feature from the Conservation Area, is between mid-20th century semi-detached properties with no historical or architectural significance and the widening of an existing narrow access would cause no harm to the setting of the conservation area. Where the front garden boundary wall of 25 Moor Lane is altered, they recommend existing copings are reclaimed and re-bedded on the lowered wall, and instead of a fence on the front garden boundary of 27 Moor Lane, they recommend a natural stone wall with deep copings to reflect the local vernacular character of the traditional boundary features found in this area. It is recommended that the details of this be addressed by condition. Overall, it is considered the proposed layout and the position of the plots and road would not have a detrimental impact on heritage assets in accordance with policy LP35 of the Kirklees Local Plan and chapter 16 of the NPPF.

Separation Distances and Residential Amenity

- 10.13 Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers. The site is surrounded, on all sides, by existing dwellings. Predominantly these either back onto or have side elevation facing towards the site and therefore most of the existing neighbouring dwellings face onto the site via their rear or side gardens.
- 10.14 Principle 6 of the adopted Housebuilders Design Guide SPD sets out the typical minimum separation between new and existing dwellings, presuming levels are not significantly different between properties. These are:
- 21m metres between facing windows of habitable rooms at the backs of dwellings;
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land;
 - and 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 metres distance from the side wall of the new dwelling to a shared boundary.

10.15 The SPD requires that longer distances between buildings may be necessary where there is steep topography on the site, which presents challenges relating to overlooking. However, it also identifies that lower distances may be achievable via design solutions, such as the angle of elevations, the layout of rooms, and size of windows. The site topography slopes from west to east with existing levels ranging from 133.197 to 123.62. The level difference between the site and properties at Summerdale is 123.61 (21 Summerdale) and the Finished Floor level of Plot 10 is proposed to be 125.40. This is not considered so significant a height difference as to necessitate additional distance requirements.

10.16 For Plot 1 the following distances are achieved:

- To 25 Moor Lane, located to the south of the site, a distance of 17.7 metres from the proposed garage of Plot 1 (with bedroom above lit by a roof light, therefore not offering a direct line of view), and a distance of 13.5 metres from the gable wall of Plot 1 to the rear elevation of this neighbouring property.
- To 23 Moor Lane, also located to the south of the site, a distance of 14.6 metres from the gable of Plot 1 to the rear of No.23 Moor Lane. There is a habitable window proposed on the side elevation of Plot 1 however as a ground floor window this would be screened by existing/proposed boundary treatment.
- To Manor House (to the west) a distance of 35 metres between this property and the rear elevation of Plot 1.

The above distances are considered to be acceptable to avoid loss of privacy or overshadowing. The house type is a storey property, with habitable rooms in the roof space predominately served by rooflights and a window on the northern side facing gable. Due to the distances which would be achieved to neighbouring property it is not considered the additional accommodation in the roof and the associated moderate increase in height of this property to facilitate this would have a detrimental overbearing impact.

10.17 For Plot 2 the following distances are achieved:

- To Manor House (to the east) a distance of 33 metres between this property and the rear elevation of Plot 2.
- To No. 33 Richmond Grove a distance of 18.9 metres from the side gable to their rear elevation

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.18 For Plot 3 the following distances are achieved:

- To No 16 Ventnor Close a distance of 18 metres from ground floor, and a distance of 20.5 metres at first floor.
- To properties on Moor Lane, a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.19 For Plot 4, the following distances are achieved:

- To No 16 Ventnor Close a distance of 18 metres from Plot 4 ground floor, and a distance of 20 metres at first floor.
- To No 27 Ventnor Close a distance of 20.5 metres from Plot 4 ground floor, and a distance of 22 metres at first floor.
- To properties on Moor Lane, a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.20 For Plot 5, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.21 For Plot 6, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.22 For Plot 7, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.23 For Plot 8, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.24 For Plot 9, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.25 For Plot 10, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres
- To 21 Summerdale the separation distances range from circa 8.5 metres to 10 metres.

- 10.26 Neighbouring property 21 Summerdale is located towards the end of a cul-de-sac and is positioned at an angle relative to the application site boundary. It is oriented with its primary elevation fronting south-east and its rear elevation fronting north-west. It is understood from plans of the original property (pursuant to planning application ref 89/05584) that the lounge and dining area is of an open plan style, and that it has a separate kitchen. The primary lounge window is a bay window to the south-east (front elevation) with the primary window to the dining area being on the rear elevation (north-west). The property has an additional secondary habitable room window on the side elevation at ground floor level facing the application site. The property has also been extended with a conservatory across part of the rear elevation
- 10.27 In the side elevation of Plot 10, at ground floor level, is a door and no windows. To the upper floor are two non-habitable room windows serving a proposed bathroom and en-suite. Residents have raised significant concern regarding the impact on the amenity of occupiers of 21 Summerdale relating to loss of privacy and overshadowing, concern about the way the distance measurements are taken and shown on the plan, that the distances are inaccurate and that the differences in levels should require a greater distance than 12 metres in any case. Reference is also made to Rights to Light.
- 10.28 In terms of overshadowing, by virtue of plot 10 being due west of no. 21 Summerdale there would be some overshadowing of 21 Summerdale when the position of the sun moves around to the west of the site in the afternoon, taking into account the level difference with Plot 10 having a higher ridge level and ground floor level. The Council's SPD requires a distance of 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. In this case, there is no direct relationship of windows being that Plot 10 would have no ground floor windows facing the ground floor openings of 21 Summerdale, and at first floor, Plot 10's bathroom/en-suite windows would not directly front onto any first floor windows in 21 Summerdale. Notwithstanding this relationship between windows, the overall distance from plot 10 to 21 Summerdale's ground floor window is 10 metres, and to the later conservatory extension a minimum distance of approximately 5.6 metres. The main outlook and light for the habitable rooms in 21 Summerdale is from the south-east and north-west of the site and it is considered the separation distance is sufficient not to have an undue detrimental overshadowing impact.
- 10.29 In terms of privacy and potential overlooking, for Plot 10 no windows are proposed at ground floor level in the side elevation which would face the ground floor windows in 21 Summerdale. The side facing upper floor windows of Plot 10 would serve bathroom/en-suite areas and therefore be obscurely glazed (to be secured by condition) to avoid potential overlooking of this neighbouring property. In addition it is noted 21 Summerdale does not have any first floor windows in its side elevation fronting the application site.
- 10.30 In terms of the other plots and daylight and sunlight, the proposed dwellings would be situated to the south of some of the neighbouring dwellings which raises potential for overshadowing impacts. However, due to distances proposed to these neighbouring properties it is not considered the proposed dwellings would result in an unacceptable loss of overshadowing or that they would appear unduly overbearing. Taken into account the separation distances and window placements, it is considered that the proposed dwellings would not give rise to adverse impacts on privacy, light, or general residential amenity of neighbouring occupiers. The scheme therefore complies with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

- 10.31 The impact of the proposed site access on existing properties Nos. 25 and 27 Moor Lane, located either side of the proposed access was fully considered at outline stage with a condition to secure acoustic timber fencing. The rear garden of No. 27 Moor Lane would be significantly reduced to facilitate internal forward visibility splays for the internal estate road which was also considered at outline stage. Officers concluded the residential amenities of neighbouring occupiers would be affected by the proposed access arrangements, however this would not be unduly significant and on balance would be acceptable to facilitate the proposed development.

Future Occupiers

- 10.32 The Governments Technical Housing Standards – Nationally Described Space Standard (NDSS) sets out minimum internal space requirements for new dwellings to ensure good levels of functionality and amenity for future occupiers. The proposal meets the standards as follows:

Plot and House Type	Nationally Described Space Standard	Proposal
Plot 1 (HT04) Three Storey	5 bed, 7 person at 3 storeys 125m ²	225.21m ²
Plot 2 (HT06)	4 bed 6 person at 2 storeys 106m ²	163.48m ²
Plot 3 (HT03a)	3 bed 5 person at 2 storeys 93m ²	143.98m ²
Plot 4 (HT01)	3 bed, 5 person at 2 storey 93m ²	127.19m ²
Plot 5 (HT01)	3 bed, 5 persons at 2 storey 93m ²	127.19m ²
Plot 6 (HT02)	3 bed 5 persons at 2 storey 93m ² .	118.85m ²
Plot 7 (HT03a)	3 bed 5 person at 2 storeys 93m ²	143.98m ²
Plot 8 (HT03a)	3 bed 5 person at 2 storeys 93m ²	143.98m ²
Plot 9 (HT03)	4 bed, 6 person at 2 storey 106m ²	148.76m ²
Plot 10 (HT05)	5 Bedroom, 7 person at two storey 119m ²	185.90m ²

- 10.33 Internally, the dwellings would provide conventional family layouts across two floors for nine of the plots, and two and a half floors for Plot 1 with gross internal areas and bedroom sizes exceeding the minimum requirements set out in the Nationally Described Space Standards, as set out above. The dwellings as a whole would provide a good quality of accommodation with sufficient light, outlook and privacy consistent with policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the National Planning Policy Framework.
- 10.34 Externally the proposed layout would provide each dwelling with its own private outdoor amenity space. Although the gardens would in some cases be tiered, each would contain sufficient level space immediately adjoining the rear elevation, comprising a mix of hard and soft landscaping. These garden areas would provide sufficient and usable private amenity space for future occupiers.

Highway Safety

- 10.35 Policy LP21 seeks to ensure that new development does not adversely impact highway safety or the efficient operation of the road network. It requires proposals to demonstrate safe and suitable access for all users, adequate parking provision, and integration with sustainable travel opportunities, in accordance with the Council's adopted highways design guidance. Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant. Officers note the significant concern raised by residents regarding highway safety including the impact on Moor Lane from additional traffic, and concerns about the visibility splays. Concerns are also raised about the proposed visitor parking, and the bin storage and collection arrangements.
- 10.36 Details of access were approved as part of the outline application, as were matters such as traffic generation and the proposal's impact on the local network. In terms of layout each dwelling has an integral garage and would benefit from adequate, per the council's Highway Design Guide SPD, off-street parking spaces. Three visitor parking spaces are proposed, one along the southern boundary, and two at the head of the second turning head. Replacement parking spaces for No.27 Moor Lane (removed to provide sightlines at the entrance) are proposed, adjacent to Plot 3.
- 10.37 K.C Highways Development Management and K.C Waste Collection Authority have considered the proposals. They initially raised issues of concern, including providing adequate forward visibility at the first bend in the estate road, the width of the footway, insufficient visitor parking, the location of waste collection points and bin drag distances. In response to these concerns the application underwent amendments.
- 10.38 The amended scheme now proposed an internal layout that is an adequate specification and layout, for the purpose of this Reserved Matters submission, with full technical details secured to be submitted via condition 23 on the outline permission and the Discharge of Condition process. It is proposed that the first part of the internal estate road would be adopted (as opposed to the original scheme proposing no adoption), to extend from the site entrance through to Plot 5. This would allow for bin collection points to be provided within the site adjacent to an adoptable highway. The alternative would have been a bin collection point, to serve all ten dwellings, at the site entrance adjacent to Moor Lane, which would have raised significant residential amenity concerns (re. drag distance and relationship with adjacent properties), visual amenity concerns and potential issues with highway visibility. A bin collection point for Plots 5-10 is proposed adjacent to the end of the adopted road section, within the site. The remainder of the proposed road and second turning head is proposed to be unadopted private road. As a result of this, Plots 5-10 would have greater drag distances than the recommended guidance. This issue was raised with the developer/agent, however they state they cannot propose the road to be fully adopted due to the location of attenuation tanks. The Highway authority is typically unable to adopt roads with structures, such as an attenuation tank, below them. This is not an ideal situation, however the drag distance is not so significant to amount to significant material harm, and the Waste Collection Authority considers that as long as the bin collection point is adjacent the adopted highway, this would allow for bins to be collected. The onus will be on the developer to ensure future residents are aware that only bins placed in this collection point will be collected.

- 10.39 K.C Highways Development Management consider the updated scheme to be generally acceptable. As noted above, three visitors parking spaces are proposed, two at the end of the second turning head, and one as a layby along the southern boundary. While this level of provision is as expected, their preference would be for one of the visitor parking spaces to be located in the adopted part of the highway, due to potential issue of accessing it down a private road, an issue that has also been raised within the representations. However, this would require the replacement of the proposed parking spaces for No.27 Moor Lane to be re-located further into the site, where the visitor layby is proposed. The re-location of the spaces away from no. 27 raises issues with crime prevention as the occupiers of no.27 Moor Lane would not have good visibility of their vehicles. The S106 to the parent application has a clause requiring a draft management scheme for future maintenance and management of the unadopted roads, and the matter of access to visitor parking for all visitors to the site can be considered through this. Officers acknowledge the concerns from K.C. Highways, however other layout and location options for the visitor parking spaces have been explored and it is considered to be the best option. To address this, it is recommended that a condition be included requiring that the visitor spaces are signed (by signs or road markings), to boost their visibility to prospective visitors and to prevent the spaces being seen as additional parking for residents of the private drive.
- 10.40 In summary, issues of concern have been explored, leading to amended plans to seek the best possible solution to address these issues, having regard to the fact that access has previously been approved. As a result, the proposed layout is considered acceptable, from a highway design perspective, and accords with the approved access details. Therefore, the scheme is considered to comply with Policy LP21 of the Kirklees Local Plan, the council's Highways Design Guide SPD, and Chapter 9 of the NPPF in respect of highway safety, access and parking provision.

Crime Prevention

- 10.41 The West Yorkshire Police Liaison officer is satisfied with the proposed boundary treatments, but initially raised concerns relating to Plots 1, 6 and 10. In particular there was concern bins for Plot 1 should be located behind a secure boundary line, and that its parking should be overlooked. In response the applicant has proposed a recessed bin store with a lockable gate, and confirmed the parking is in a prominent visible location, the front entrance door overlooks this space and a rooflight to the bedroom provides a level of surveillance. For Plot 6 concern was raised that the parking area did not appear to be overlooked and in response the applicant notes there would be a window on the gable of plot 6, and a new window into the living room has been added to provide additional surveillance. For Plot 10 there was concern a proposed hedge will obstruct the view of vehicles, and the applicant has removed this. The West Yorkshire Police Liaison officer has since confirmed that they are satisfied with the amended proposals, from a designing out crime and security perspective.

Scale

- 10.42 Scale is defined as:

the height, width and length of each building proposed within the development in relation to its surroundings.

- 10.43 The proposal comprises 8 detached dwellings and two linked by their garages. Nine of the proposed dwellings are two storey in scale with traditional pitched roof forms consistent with the scale of development in the immediate setting. The scale of the development reflects the scale of development in the area and as an infill development, set on land to the rear of existing streets, would not appear as an intrusive or overbearing addition to the streetscape.
- 10.44 Plot 1 is two storeys, although with habitable rooms in the roof space. The habitable rooms are to be served by rooflights, with no dormer proposed. The eaves are nominally higher than the other properties proposed and whilst this inevitably increases the ridge height of the property, it is considered on balance, it's habitable roof space would not make it readily appear materially taller / larger than the other two storey properties proposed, or in the wider area.
- 10.45 In light of the above, it is considered the scale of development proposed, both in terms of overall height of buildings and floorspace proposed is acceptable. The potential cumulative effect of further additions could materially increase their size and scale and overdevelopment of the compact site. In order to control development in this sensitive context, it is recommended that a condition is attached to ensure that no development included within Classes A through E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out without the prior written consent of the Local Planning Authority.

Housing mix

- 10.46 In the interest of providing for the identified needs of the district policy LP11 expects major developments to include a mixture of unit sizes, as is elaborated upon with the Council's Affordable Housing and Housing Mix SPD. The SPD sets out expectations for development's housing mixture, for both market and affordable units, in terms of unit size. For the Kirklees Batley and Spen sub-area:

Batley & Spen	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	30-60%	40-79%	60+%
3 bed	20-40%	0-19%	20-39%
4+ bed	15-35%	0-19%	0-19%

Table 7 Batley & Spen dwelling requirement (%) by number of bedrooms for Market Housing, Affordable Rent, and Affordable Intermediate tenure types

The SPD sets out a 'comply or justify' expectation, with any justification typically needing to be undertaken in a way commensurate to the assessment undertaken to inform the SPD.

- 10.47 The application initially proposed 1 x 3 bed, 7 x 4 bed and 2 x 5 bed which would have failed to accord with the requirements set out by the SPD. It is noted that the outline application indicatively proposed 6no 3 bed dwellings and 4no 4-bed dwellings and the committee report stated further consideration of the proposed housing mix would need to take place under Reserved Matters. Officers therefore requested that the proposals be amended to take account of the required mix as set out in Local Plan Policy LP11 and the SPD.

- 10.48 The house type drawings have been revised to reflect the indicative mix proposed in the outline planning permission. The revised mix is now for 6 x 3 bed dwellings (60%) and 4 x 4+ bed dwellings (40%). This has been achieved by reducing the height of the eaves over the garage on Plots 3, 4, 5, 7 and 8 and reducing the size of the fourth bedroom to below acceptable National Described Space Standards for use as a bedroom and now proposes as a home office space. While this is acknowledged to not adhere to the SPD's expectations, particularly being absent any 1 and 2 bed units, due regard must be given to the smaller scale of the scheme and constraints of the site, which add challenges to providing smaller units (particularly bearing in mind the limit of ten dwellings approved at outline stage). Nevertheless, this lack of 1 and 2bed units does weigh against the proposal. Regardless, on the planning balance, considering the noted factors as well as the council's lack of a five-year housing land supply, officers consider this mix to be acceptable, in line with the assessment of the outline application.

Appearance

- 10.49 Appearance is defined as:

the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 10.50 National Policy attaches great importance to the design of the built environment. Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are also relevant to the proposed development in relation to design, as is the council's Housebuilders Design Guide SPD and the National Design Guide. Local Plan policy LP24 sets out that "Good design should be at the core of all proposals in the district ..." and that proposals should promote good design by ensuring "the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape".
- 10.51 The proposed dwellings are representative of contemporary pennine residential architecture. They are considered visually attractive and would harmonise well with the properties in the wider area. The proposed dwellings would incorporate traditional pitched roof forms, with projecting gables and generally regular fenestration. The overall proportions would be broadly consistent with those found in neighbouring dwellings of a similar scale, thereby creating a coherent relationship with the wider built context. Due to the topography there would be some level differences in garages but this is not considered to be detrimental to visual amenity.
- 10.52 There are no details of proposed materials in the Planning Statement or Design and Access Statement. The applicant initially requested that the properties be of a red brick construction. However, in respect of the character of the nearby Conservation Area the use of local natural stone and natural slate is preferred within close proximity to the Conservation Area and adjacent listed building. There are however alternative materials on many new houses in this area and therefore on balance officers accept that subject to Plots 1 and 2 being of natural stone with slate roofs to help to reduce the impact on the setting of this important Grade II* listed Manor House, being the nearest, the remaining plots can be of a brick buff construction. The applicant subsequently revised the

proposal for all dwellings to be of Cromwell pitched walling in a “Yorkshire” colour with Sandtoft Calderdale Edge roof tiles in dark grey, and windows and doors in upvc in a dark grey. The views of K.C Conservation and Design were sought; however, this was not considered to be acceptable on plots 1 and 2 due to the proximity of the adjacent listed building. Notwithstanding the discussion, officers recommended that this matter be addressed by condition to stipulate Plots 1 and 2 materials are natural stone and slate with samples to be agreed, and for samples of the remaining plots to be provided.

- 10.53 Overall, subject to conditions, the appearance of the proposed dwellings would respect the surrounding area, and cause no material harm to the setting of the nearby Conservation Area and Listed Building, and be acceptable meeting the requirements of Policy LP24 and LP35 of the Kirklees Local Plan and Paragraph 135 of the NPPF, which require development to secure good design that is sympathetic of local character.

Landscape

- 10.54 Landscape is defined as:

the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- 10.55 The following condition was imposed on the outline permission:

8. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approve in writing by the Local Planning Authority.

Reason: *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

- 10.56 The site is currently an unused area of green space between existing residential development, seen only predominantly from the back gardens of adjoining properties. While the principle of residential development on the site has been established at outline stage, it is noted that the site does not provide a high landscape character value to the surrounding area, and the proposed residential development would be largely unseen from the road, with the exception of the new access track between No. 25 and 27 Moor Lane. This is not considered to detrimentally affect the landscape character of the surrounding area due to the predominantly residential nature of the area.

- 10.57 The site plan indicates a broad arrangement of hard and soft landscaping, including private gardens and retained trees, and is considered acceptable in principle. The plan however initially lacked sufficient details, as only an indicative shrub mix was listed and too few details as to the proposed hedge planting. It was advised the Landscape plan and full planting details will need to be included and referenced in the management plan, along with long term

management and maintenance operations included. At present only a scrub list is included in the Biodiversity Enhancement & Management plan which does not reflect the species in the indicative list submitted on the landscape proposals Plan. The Landscape Maintenance and Management Plan needs to include and relate to details of the proposed landscape scheme. A full and detailed landscape scheme was requested, this includes to the front of the dwellings' areas, the provision of some street trees, hedge planting and a grassed strip along the southern boundary. The shrubs and herbaceous planting will be located in some rear gardens.

- 10.58 K.C Landscape were re-consulted and have raised further concerns, including a query of the purpose of planting an herbaceous mix along rear garden fences and a high percentage of herbaceous which has no height and is bare in winter. K.C Landscape suggest appropriate shade tolerant planting be in the highways verge instead of 3 rear gardens. They go on to say some species are not appropriate for family gardens. The plants in the labels of species mixes do not all correspond to those listed in the plant schedule and furthermore some are invasive. They query if G13 and T14 are being retained due to dominating garden areas and close to houses. The bin collection point is not shown and needs to be hard surfaced and with a dropped kerb, not grass with potentially a standard road kerb.
- 10.59 Overall, the submitted details demonstrate that appropriate landscaping may be achieved on the site, sufficient for the purposes of this Reserved Matters application. However, whilst the principle is acceptable, due to the issues raised in respect of the details, an amended scheme will need to be secured by condition, together with a corresponding maintenance and management plan. To provide clarity and certainty, an updated condition that relating to requiring the specific landscaping details, to be submitted and approved, is recommended to be included on the decision notice.
- 10.60 The boundary treatment includes the provision of a hit and miss timber fence along the rear of the plots which would have a height of 1.8 metres. The plots would be divided by either a 1.8m high timber fencing or hit and miss timber fencing above a stone retaining wall. The height and appearance of the retaining walls with railings/fencing above have not been provided, however this detail can be secured via condition.
- 10.61 In terms of the impact on Historic Environment, on the western boundary of the site some trees will be removed to facilitate the development, whilst others will be retained. In addition ,the landscaping scheme proposes some shrub planting to the rear gardens of Plots 1 and 2. Overall, it is not considered the proposal will have a low impact on the adjacent Conservation Area and Listed Building.
- 10.62 The principle of the landscaping layout is considered to be acceptable. Subject to conditions finalising details of the planting and boundary treatments, it is considered the proposal would preserve visual amenity.

Planning obligations

- 10.63 The following obligations were secured, by way of Section 106 agreement, as part of the outline permission:
1. Off-site Biodiversity Net Gain contribution (£43,470)
 2. Incorporation of a Drainage Management Company
 3. Incorporation of a Highways Management Company
 4. Incorporation of a Public Open Space Management Company

- 10.64 As the proposal was for 10 units, contributions for Affordable Housing, Public Open Space, and Education were not required, in line with the relevant Local Policies for contributions.
- 10.65 The original Section 106 agreement covered all pertinent matters and a further Section 106 agreement is not required to support this reserved matter submission. It is noted the Section 106 included a clause to secure areas of Open Space, this detail of open space has not been brought forward with the reserved matters, however as noted above the scheme is not subject to a requirement to provide Public Open Space, and the relevant landscaped areas (highway verge etc.) will be subject to a maintenance and management plan, recommended to be secured by condition.

Other Matters

Climate Change

- 10.66 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.67 A Climate Change Statement was submitted with the outline application. This set out various intentions re. climate change mitigation measures, including:
- it is envisaged that some or all of the following will be incorporated into the proposals on a reserved matters application:
 - Smart energy metering
 - LED lighting both internally and externally
 - Thermostatic valves and temperature regulated thermostats to prevent unnecessary energy consumption
 - Wall and roof insulation - Solar panels and air source heat pumps
 - it is anticipated that where possible, materials will be sourced locally and will be long lasting. Each dwelling would also be provided with separate bins for general and recycling waste, and water butts and composting bins may also feature.
 - It is anticipated that the walls, roofs and floors of the dwellings are insulated, and the
 - windows would be high-quality double glazed units. Glazing on the dwellings will also be installed to maximise solar gain if possible.
 - it is anticipated that features to reduce water stress such as water efficient toilets, low water use dishwashers and water meters will be included within the final proposals at the reserved matters stage.
 - it is envisaged that the installation of bird and bat boxes are likely to be incorporated into the final proposals at the reserved matters stage in addition to some native planting.
 - it is anticipated that materials will be sourced locally to reduce transport emissions and the installation of electric vehicle charging points for each dwelling.

The submitted details would not prejudice the delivery of the above. As part of the reserved matters, the dwellings are (indicatively) proposed to all incorporate solar panels. This is welcomed and represents a tangible contribution to the Council's climate change objectives. Given the nature of the development as minor residential development, it is considered that the climate change mitigation measures proposed would be proportionate and acceptable in this instance, as such, it is considered the proposal would comply with Policies LP26 and LP51 of the Kirklees Local Plan and paragraph 161 of the NPPF.

Drainage

- 10.68 The outline planning permission includes conditions to secure a detailed design strategy for foul and surface water drainage, overland flood routing and a construction phase surface water flood risk and pollution prevention plans. These are subject to a separate discharge of condition application. The legal agreement secures the ongoing maintenance and management of the surface water drainage system by the incorporation of a management company.
- 10.69 Officers note significant concern has been raised in the representations received including existing drainage issues within the area, whether the drainage proposals would be adequate and the potential impacts on neighboring property. For the purposes of this reserved matter application, namely ensuring an appropriate layout that makes space for water, the LLFA are satisfied that appropriate arrangements for, flood routing and mitigation measures (in this case, attenuation) have been considered and demonstrated. For this site the flood exceedance path is directed (west to east across site), then south towards Kirklees Council property 41 Moor Lane's driveway and onto Moor Lane. A second flood exceedance path was previously shown heading west to east and towards 21 Summerdale garden. This flood route has been omitted with a change in external levels in the location of Plot 10 on the eastern side of the development. The LLFA consider the details are acceptable and support the discharge of the relevant condition.

Contamination and Unstable Land

- 10.70 The site falls within the High-Risk Coal Zone, a matter that was considered and addressed at outline stage. In so far as it relates to the reserved matters, the Coal Authority has raised no objections to the proposed layout.
- 10.71 Significant concern has been raised in the representations received about land contamination, and a lack of details for remediation. However, conditions were imposed at outline stage to address this matter, and shall be considered via the separate Discharge of Condition process. Such matters therefore fall outside the scope and remit of this reserved matter application.

Conditions Discharge

- 10.72 Outline application 2023/92079 was approved with 29 planning conditions. Of those, six conditions required the submission of specific information as part of the subsequent Reserved Matters application. Those conditions are:
- Condition 4: Reserved matters to include a Noise Impact Assessment to protect future occupiers.
 - Condition 5: Reserved matters to include a Biodiversity Enhancement and Management Plan (BEMP)

- Condition 6: Reserved matters to include an Arboricultural Impact Assessment
- Condition 7: Reserved matters to include a Crime Mitigation Strategy
- Condition 8: Reserved matters to include a landscaping strategy, to include maintenance and management plan
- Condition 9: Reserved matters to include a Landscape and Ecological Design Strategy (LEDS)

These conditions are assessed, as follows:

Condition 4 (Noise)

10.73 Condition 4 reads:

4. The Reserved Matters referred to in Condition 1 shall include a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic), to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *To safeguard the amenities of future occupiers in accordance with part 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.*

10.74 K.C. Environmental Health were consulted on this matter. They have commented:

The applicant has submitted a Noise Assessment authored by PDA Acoustic Consultants dated July 2025 Ref J005705-9002-CW-01. Figure 1 identifies the site in relation to the neighbouring roads and identifies the M62 motorway located approx. 400m north.

A noise survey was conducted between 1000hrs on Thursday the 24th and 1000hrs on Friday the 25th of July 2025 from a single monitoring position as shown in figure 2. A summary of the findings is given in table 4 and comment is made that the M62 was the dominant noise source.

In order to meet with the internal requirements of BS8233, glazing and ventilation is specified in paras 5.3 to 5.5. There is no mitigation necessary for any external amenity space. The findings of the report are accepted.

The submitted information is accepted. However, we recommend the condition is not discharged until all of the mitigation measures within the submitted Noise Assessment authored by PDA Acoustic Consultants dated July 2025 Ref J005705-9002-CW-01 are implemented and retained thereafter.

10.75 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

Condition 5 (Biodiversity Enhancement and Management Plan)

10.76 Condition 5 reads:

5. The Reserved Matters referred to in Condition 1 shall include a Biodiversity Enhancement and Management Plan (BEMP), to be submitted and approved in writing by the Local Planning Authority.

Reason: *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process*

10.77 K.C. Ecology were consulted on this matter. They have commented:

The BEMP (JCA, Sept 2025) is acceptable and in line with the requirements of the condition. Condition 5 is met

10.78 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

Condition 6 (Arboricultural Impact Assessment),

10.79 Condition 6 reads:

6. The Reserved Matters referred to in Condition 1 shall include an Arboricultural Impact Assessment, to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure a satisfactory layout can be achieved without resulting in long term harm to trees with public amenity value and to accord with Policy LP33 of the Kirklees Local Plan.*

10.80 K.C. Trees were consulted on this matter. They have commented:

Condition 6 (Arboricultural Impact Assessment) has been satisfied.

10.81 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved. As considered in paragraphs 10.9 and 10.10 above the draft tree protection plan is acceptable and an Arboricultural Method Statement (AMS) has been submitted and assessed by K.C Trees who recommend the development be completed in accordance with this document. The AMS was updated for the Tree Protection Fencing to be adjusted to give adequate protection to G17 trees.

Condition 7 (safety and security)

10.82 Condition 7 reads:

7. The Reserved Matters referred to in Condition 1 shall include a scheme detailing the full site and dwellinghouse safety and security measures to be implemented, to first be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of windows overlooking publicly-accessible areas, details of boundary treatments, external lighting, landscaping and the security

measures for any garages or sheds. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved. Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework

- 10.83 The West Yorkshire Crime Prevention Liaison Officer was consulted on this matter. They have commented:

Condition 7 can be discharged provided that the development is delivered in full accordance with 'Safety and Security Measures' document, Revision A dated 16/11/2025.

- 10.84 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

Condition 8 (landscape)

- 10.85 Condition 8 reads:

8. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

- 10.86 This condition has been considered previously, within paragraphs 10.55 – 10.63. In short, the submitted landscaping details are, largely, accepted. However, there are several specific concerns and/or further details required regarding detailed aspects of the proposed landscaping arrangement, which, in turn, affects the maintenance and management plan. Therefore, it is considered that condition 8 has served its intended purpose, for adequate details to be provided at, in so far as it relates to this Reserved Matter application and would not preclude its determination. However, it is recommended that a new refined and specific condition, relating to the specific outstanding details raised previously in this report, being imposed on the reserved matters decision notice, if minded to approve. This will ensure that the concerns raised can be adequately addressed in an appropriate manner.

Condition 9 (Landscape and Ecological Design Strategy)

- 10.87 Condition 9 reads:

9. The Reserved Matters referred to in Condition 1 shall include a Landscape and Ecological Design Strategy (LEDS) to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

- 10.88 K.C Ecology and Landscape were consulted on this matter. K.C Ecology have commented:

The Ecological Design Strategy report (JCA, Sept 2025) is acceptable and in line with the requirements of the condition. Condition 9 is met.

However, K.C Landscape have commented:

We have several concerns regarding the landscape scheme therefore, until these are resolved, we would not discharge either condition 8 landscape or Condition 9 LEDES

- 10.89 K.C. Landscape's comments are noted, as is a degree of linkage between conditions 8 and 9. However, the detailed contained within the document pursuant to condition 9 (Ecological Design Strategy report (JCA, Sept 2025)), in so far as it relates to landscaping management (namely section 4.2), is suitably standard so as to apply regardless of the specific landscape proposals or the landscape amendments sought, also bearing in mind that condition 8 and the proposed specific condition are to include a specific landscaping strategy. The ecological enhancement and design aspects, contained in sections 5 and 6 of the report, are not dependent on the landscaping layout. It is therefore considered that the submitted details may be approved. This will be subject to a requirement that the development be undertaken in accordance with the approved details: it can also be noted that, in the event that this cannot happen, as the landscaping is materially changed to accommodate proposed specific condition relating to landscaping, the application would be required to re-discharge condition 9.

Representations

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

- Query if a new planning application is required due to the changes to the approved outline application.

Officer Response: The outline application approved the principle of development and access only. The other details (layout, scale, appearance and landscape) were shown indicatively and are subject to change at reserved matters stage. Therefore, a new outline planning application is not required.

- The development claims to meet local needs however the local area needs smaller and cheaper housing for first time buyers / Does Gomersal really need more 4&5 bedroom houses

Officer Response: The house type drawings have been revised to reflect the requirements of the Councils SPD and the indicative mix proposed in the outline planning permission.

- Concern about the lack of publicity for the application

Officer Response: The application has been advertised in accordance with the Statutory requirements.

- Concern about additional noise and pollution / Disruption cause by works to improving visibility splay was significant and traffic lights made parking dangerous. Noise pollution and pollution caused by stone cutting left cars and property covered in dirt, and loss of residents privacy. Concern construction workers will create parking issues for residents.

Officer Response: Condition 21 of the outline permission requires the submission of a Construction Environmental Management Plan to be submitted,

- Query why the corresponding Discharge of Condition application not open to comments. Concern how the two linked applications will be coordinated in the decision-making process.

Officer Response: The discharge of Condition application is not subject to statutory publicity.

- No consideration given to affordable housing.

Officer Response: The application does not meet the threshold for an affordable housing contribution.

- The village is overpopulated, concern about schools/doctor provision.

Officer Response: There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Regarding schools, in accordance with local policy and guidance, the trigger for contributions towards local schools is 25+ 2 bed units, which the proposal would not meet.

- Concern how the entrance to the site has been left. Walls were moved back and No 25 is left in limbo as the sides have not been finished / The single storey part of No 27 was to have been removed within 2 years of the planning agreement. The driveway is a messy building site. Require a date for the making good of the driveway or for it to be put back to a reasonable state.

Officer Response: No works should have commenced ahead of approval of Reserved Matters and Discharge of Pre-commencement conditions.

- PPJ have failed to adhere to outline planning conditions and section 106 conditions.

Officer Response: No conditions of the outline have been discharged, the application has been submitted prior to the expiry of the time limit to submit a reserved matters application. There would be a timeframe of 2 years for discharge of conditions of both the outline and reserved matters consents from the date of any approval of the reserved matters and a lawful start to subsequently made.

- PPJ have not yet had reserved matters condition 8, Landscaping, accepted.

Officer Response: Officers recommend a condition to secure a revised detailed landscaping scheme.

- Query why they have cleared the site and taken trees down

Officer Response: Some general clearance works do not require planning permission, any works to TPO trees require the appropriate consent.

- There are established trees which support a variety of wildlife. Concern about significant habitat loss and disruption to the local ecosystem.

Officer Response: A Preliminary Ecological Appraisal (PEA) was submitted at outline stage and considered to be a comprehensive assessment of the site. Conditions were imposed to secure a Biodiversity Enhancement and Management Plan (BEMP) and for works to take place outside of the bird nesting season. Biodiversity Net Gain was also considered at Outline Application stage and a financial contribution for off-setting was secured through the Section 106 agreement.

- The development is not workable because the houses and footprint have substantially increased compared to the plans approved by outline permission.

Officer Response: Officers have sought amendments to the scheme resulting in several iterations of plans being submitted. On balance, officers consider the amendments provide a satisfactory scheme.

- Concern if drainage documents are accurate and people have been given opportunity to comment on them.

Officer Response: The outline planning permission includes conditions to secure a detailed design strategy for foul and surface water drainage, overland flood routing and a construction phase surface water flood risk and pollution prevention plans. These are subject to a separate discharge of condition application, and standalone Discharge of Condition applications are not subject to publicity.

- Bin areas are in full view from Plots 9 and 10 and will spoil the street scene.

Officer Response: The bin storage areas are positioned within the highway verge. Details of how they will be incorporated as part of the landscape scheme will be secured via condition.

- Concern about damage to gardens from removing trees.

Officer Response: The responsibility for safe development of the site rests with the developer.

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 principle of development has been established by outline application 2023/92079. This proposed Reserved Matters therefore need to comply with the description of development and conditions imposed by 2023/92079. In this case, for the reasons set out in this report, the details, of appearance, layout, scale and landscaping (the Reserved Matters), adhere to the details approved at outline stage, and are deemed acceptable and comply with the policies of the Kirklees Local Plan.
- 11.3 In respect of the discharge of conditions, conditions 4, 5 and 6 can be discharged. However, officers cannot support the discharge of conditions 8 and 9 as revisions are required. As stated above, this would not prejudice the recommendation of officers in respect of the reserved matters.

12.0 CONDITIONS

The following is a summary list. It is recommended that full wording of conditions, including any amendments/additions, is delegated to the Head of Planning and Development.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
2. Notwithstanding the submitted details, a revised detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling, to include details of the bin storage and collection points. Thereafter the development shall be undertaken in accordance with the approved details.
3. Notwithstanding the submitted details, a revised Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling. Thereafter the development shall be undertaken in accordance with the approved details.
4. Notwithstanding the submitted details, Plots 1 and 2 shall be constructed of natural stone and slate. No above ground building works shall take place until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
5. Notwithstanding the submitted details, a revised scheme of boundary treatments including details of the scale and appearance of all retaining walls shall be submitted to and be approved in writing by the Local Planning Authority prior to first occupation of any dwelling. Thereafter the development shall be undertaken in accordance with the approved details.

6. All windows in the side elevation (east) of Plot 10 shall be obscurely glazed to a specification of 5 or above and retained thereafter.

7. The development shall be undertaken in full accordance with the Arboricultural Method Statement.

8. Details of any additional tree works required during the construction process that is not identified within the Arboricultural Impact / Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no new openings, outbuildings, or extensions shall be permitted in any dwelling.

10. Notwithstanding the submitted details, a strategy for visitor parking spaces to be signed as visitor spaces (by either signs or road markings) shall be submitted and approved.

Background Papers

Application and history files

2023/92079 – Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Conditional Outline Permission

2025/92737 – Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – pending a decision

Application website link: [Planning application details | Kirklees Council](#)

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 11-Jun-2026

Subject: Planning Application 2023/91907 Demolition of dwelling to create access and erection of 10 dwellings rear of, 18, Kingsley Avenue, Lockwood, Huddersfield, HD1 3SR

APPLICANT

Mr Ali

DATE VALID

29-Jun-2023

TARGET DATE

28-Sep-2023

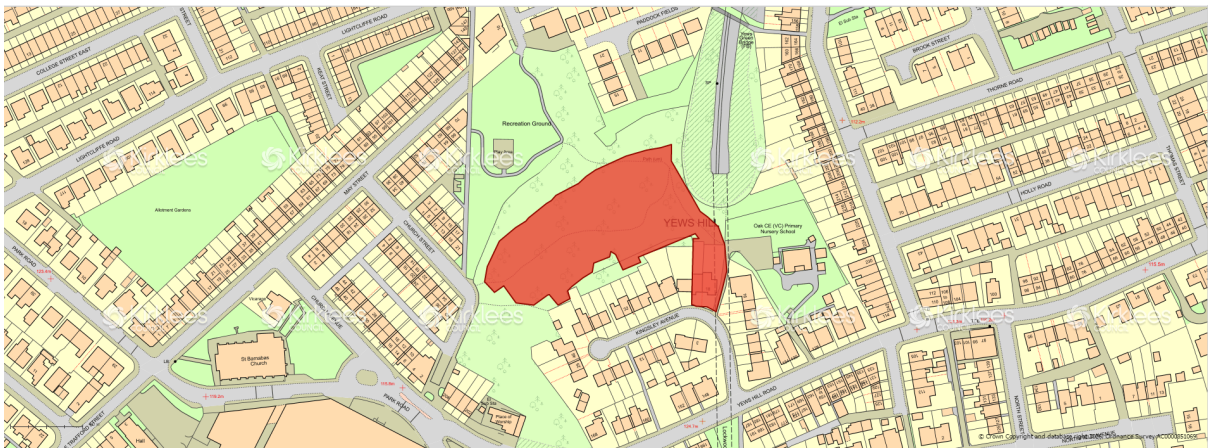
EXTENSION EXPIRY DATE

28-Mar-2025

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: Crosland Moor

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:

1. Complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

Highways: £10,000 towards funding waiting restrictions at the site access onto Kingsley Avenue

Biodiversity: Contribution of £56,120 towards off-site measures to achieve biodiversity net gain

Management and Maintenance: Management and maintenance of drainage features in perpetuity (unless adopted by the statutory undertaker), and informal Public Open space on site in perpetuity.

2. Await receipt of the Yorkshire Water consultation response with regards to the newly received calculations of discharge to the public sewer and associated details. Thereafter, proceed as follows:

a) In the scenario where the consultation response from Yorkshire Water confirms no objection, determine the application as set out in 1. above.

b) In the scenario where the consultation from Yorkshire Water includes an objection, officers are to consider the concerns raised and resolve accordingly, including considering whether Yorkshire Water's concerns warrant a refusal of the proposal, whether a condition could be imposed, or negotiate with the applicant to overcome the objection.

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

1.0 INTRODUCTION

1.1 The application seeks full planning permission for the demolition of no. 18 Kingsley Avenue, to create access and erection of 10 dwellings.

1.2 The application is brought to Strategic Planning Committee, in accordance with the Delegation Agreement, due to a significant number of public representations being received contrary to the Officer's recommendation.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located in Crosland Moor off Kingsley Avenue, and comprises approximately 0.63ha of open land, which hosts a number of mature trees and vegetation. The site is located to the rear of existing dwellings on Kingsley Avenue, whereby vehicle access is constrained. Pedestrians can access the site via an existing access road directly adjacent to no. 18 Kingsley Avenue (to the east) which leads down to Church Street and the play area and recreational ground. Due to the steep topography of the area, the site slopes from south to north.
- 2.2 The site is unallocated within the Kirklees Local Plan and is in private ownership, although it appears to be used informally as open space.
- 2.3 To the east, south and west are residential dwellings, and to the north-west is a play area and recreation ground. It is also important to note that to the east of the site is a railway line, of which the proposed access would run above.
- 2.4 The site does not currently benefit from vehicle access but as discussed below, this is to be created by demolishing no. 18 Kingsley Avenue, a semi-detached two storey property, faced in a mix of buff stone and pebbledash.

3.0 PROPOSAL

- 3.1 The applicant is seeking planning permission for the demolition of 18 Kingsley Avenue to create access and erection of 10 dwellings.
- 3.2 The proposals comprise:
- 10 no. 4 bed dwellings (100%)
- 3.3 There would be four house types across the site and would comprise five pairs of semi-detached properties, all being three-storeys in height, faced in natural coursed stone, with roof materials consisting of slate roof tiles. Roof designs are to be pitched.
- 3.4 Each dwelling is to include private rear amenity space, with some properties also including a small, landscaped area to the front/side. Properties are to be bounded by a mix of hit and miss timber fencing to the rear and between dwellings. A gabion basket retaining wall is proposed to the south, with a criblock half battered retaining wall to the north given the sloped topography of the site.
- 3.5 All units would host three off-street parking spaces through either garaging or dedicated driveways. Three visitor parking spaces are also provided within the site.
- 3.6 The site's surface water is to be attenuated via subterranean attenuation crates (Polystorm PSM1a or similar), to be located towards the southern boundary of the site, opposite plots 7 & 8. A foul and surface water connection is also to be made to the existing public sewers.
- 3.7 Access into the site is to be via a new access from Kingsley Avenue, which is to be created by demolishing no. 18 Kingsley Avenue, with repair works to the attached dwelling (no. 20) to make good. The road would run along the southern boundary of the site, with all 10 plots fronting on to it. Two turning heads are also proposed, with only part of the access road being formally adopted. All of the proposed dwellings would front onto this new road, which is to be partially adopted.

- 3.8 Given the sloped topography of the site, groundworks are proposed to create developable plateaus and level plots. This would involve some areas being raised and lowered, and the provision of some retaining walls. Retaining walls are proposed throughout the site, typically within the rear gardens of properties. Although, a larger retaining wall is also proposed along the southern boundary of the site, to the backs of properties on Kingsley Avenue, along the site access, and to the northern boundary, to the rear of the proposed dwellings.

4.0 **RELEVANT PLANNING HISTORY (including enforcement history)**

Application site

2022/20699 – Pre-application advice for residential development for up to 9 dwellings. Comments made 02/11/2022.

97/93208 – Outline application for erection of one terraced dwelling. Withdrawn 13/01/1998.

Surrounding area

2023/93455 – Variation of conditions 2 (plans and specifications), 4 (walls/fences), 5 (fence), 19 (lighting) and 20 (waste collection) of previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 04/10/2024.

2023/91259 – Variation condition 2 (plans) and 3 (facing and roofing materials) on previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 24/04/2024.

2021/93457 – Certificate of lawfulness to confirm valid commencement of development approved under 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping within the 3 year time limit given in condition 1. Approved 26/10/2021.

2015/92227 – Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 08/02/2017.

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

- 5.1 Prior to the submission of this application, pre-application 2022/20699 was submitted to the council for the erection of 9 dwellings. The current application was validated in 26/06/2023.

- 5.2 On assessment, along with details provided via the formal consultation process and public representation, it was evident certain concerns, and technical matters were yet to be addressed. During the life of the application the applicant and officers have engaged in prolonged negotiations to attempt to resolve the various outstanding matters. The concerns related mostly to density, housing mix/affordable units, design, drainage, trees, highways and access matters.

5.3 Based on the negotiations undertaken and the amendments made, along with the additional supporting documents provided, Officers are now in a position to recommend approval.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019)

6.2 The site is located within a Wildlife Habitat Network and is partially located within a Bat Alert Area. It is also important to note that the site is adjacent to the railway network and PROW (HUD/266/10) runs to the west of the site boundary.

6.3 Relevant Local Plan policies are:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and Effective Use of Land and Buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable Travel
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and Low Carbon Energy
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP38** – Minerals Safeguarding
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP49** – Education and Healthcare Needs
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and Unstable Land
- **LP61** – Urban Green Space
- **LP63** – New Open Space

Supplementary Planning Guidance / Documents

6.4 The following are relevant Supplementary Planning Documents (SPD), or other guidance documents published by, or with, Kirklees Council:

6.5 *Supplementary Planning Documents*

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

6.6 *Guidance Documents*

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), Planning Practice Guidance Suite (PPGS), 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 efficient use of land
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 17** – Facilitating the sustainable use of minerals

6.8 Other relevant national guidance and documents:

- DCLG: Technical Housing Standards – Nationally Described Space Standard (2015)
- MHCLG: National Design Guide (2021)

Climate Change

6.9 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.

6.10 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.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 This application has been advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This was in line with the Council's Statement of Community Involvement adopted at the time of submission.
- 7.2 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.3 The end of public consultation was 12/03/2025. In total 83 public comments were received. 30 of the comments were in support of the proposals, 28 were in objection to the proposals (with 2 letters of petition received, one with 16 signatures, and the other with 21 signatures), and 1 general comment.

Officer note: It is noted that several comments were received by the same individuals in objection of the proposals, and therefore the above number of objections (28) relates to the number of individuals that submitted objections, and that the overall number of public comments (83) includes the number of representations received as a whole.

The following is a summary of the comments made:

Objections

Principle of development

- Overdevelopment of the site which will lead to overcrowding.
- The development would result in the loss of much needed open spaces for recreation and community activities.
- There is no shortage of houses in Huddersfield already for sale.
- Kirklees as a whole requires more bungalows/flats not single dwelling family homes.
- The plans are not in line with the Kirklees Local Plan strategies and policies.

Officer note: Noted. Density, housing supply and housing mix are discussed in more detail within the principle of development section of this report, along with the loss of informal open space, and Local/National planning policies.

Residential Amenity

- Concerns in respect of overlooking and the loss of privacy.
- Concerns over the loss of sunlight and overshadowing,
- Concerns in respect of noise and pollution.
- The land in question is used by dog walkers and ramblers; this has not been given much consideration by the applicant.
- The preservation of green space is essential for the overall health and well-being of the community.
- Concerns that damage will be caused when excavating the land to build the new development on gardens neighbouring the land. Stability of the land should be checked.
- The development will disrupt the scenic views at the back of existing properties.

Officer note: Noted. This is all discussed in more detail within the residential amenity section of this report.

Highways and Access

- Concerns in respect of increased traffic and congestion in the area.
- Bin collections get missed due to a lack of access caused by too many cars on Kingsley Avenue.
- The access point for the new development is on a bend with restricted visibility increasing risk of collision.
- More thorough surveys need to be undertaken at peak times to gain a true representation of the daily challenges faced due to the conditions of the road.
- An alternative route needs to be found to access the site.
- Concerns on the safety of pedestrians during construction.
- The proposals would result in restricted emergency access.
- Network rail deem that the development would not be appropriate due to possible dangers posed to the safety of the railway tracks.
- Should development go ahead existing residents should benefit from having rear access and rear drives proposed.

Officer note: Noted. This is discussed in more detail within the highway safety section of this report.

Infrastructure

- Lack of sufficient infrastructure to support the proposed development. This includes strain on local schools, health care facilities and utilities, water supply, and sewage systems.

Officer note: Noted. Infrastructure in relation to doctors and school provision is discussed in more detail within the sustainable development and climate change and planning obligations sections of this report. In terms of water supply and sewage systems both Yorkshire Water and KC LLFA have been consulted on the proposals, their comments can be found within the consultation responses section of this report.

Drainage/Flooding

- The proposal on how surface water will be handled does not seem adequate.

Officer note: Noted. However, drainage drawings have been provided, and KC LLFA and Yorkshire Water have been consulted on these. This is discussed in more detail within the drainage/flooding section of this report.

Design

- The homes will be out of character with the rest of the surrounding area.

Officer note: Noted. This is discussed in more detail within the urban design section of this report.

Trees/Ecology

- Concerns in respect of the impacts on wildlife, trees and fauna and flora.
- The Council has a declaration of a climate emergency; the loss of valuable green spaces and trees goes against this.

Officer note: Noted. This is discussed in more detail within the trees and ecology sections of this report.

Other matters

- No. 18 previously operated as a takeaway.

Officer note: Noted.

- Additional waste will attract more rodents.

Officer note: Noted. However, the proposals are not considered to result in additional unmanaged waste as suitable waste arrangements would be provided as part of any approved scheme.

- The dumping of rubbish has been done by no. 18 to make it look like there is a problem with the land being left empty.

Officer note: Noted. However, this is speculative.

- Concerns that false letters of support are being submitted.

Officer note: Noted. However, letters are inspected upon receipt by the Council's planning support team and there is no clear evidence of false letters being submitted.

- Concerns over ownership of the land.

Officer note: Noted. Land ownership has been discussed with the applicant's agent who confirmed that the applicant owns all the land within the red line boundary. However, should planning be granted and evidence be provided if this is not the case, this would be a legal matter for the applicant and landowner.

- Many residents wish to object but do not know how.

Officer note: Noted. However, details on how to submit representations are provided on both neighbour notification letters and on-site notices posted around the surrounding area.

- The proposals would devalue the properties on Kingsley Avenue.

Officer note: Noted. However, this does not form a material planning consideration when assessing the proposals.

- There is already a problem with anti-social behaviour in the vicinity, and the proposed plans would only make things worse.

Officer note: Noted. The Council's Designing Out Crime Officer has been consulted, and this is discussed in more detail within the Crime Prevention section of this report.

Comments

- Submitted objection comments have been copy and pasted from a separate major housing application on Blackmoorfoot Road and therefore the concerns being raised are not their own and rather opinions and words of others.
- Residents of Kinglsey Avenue appear to have multiple vehicles and therefore the on street parking issues are created by the residents themselves.
- The development would make the area a more aesthetically pleasing and safe place for all.
- Imagery provided to show that no rubbish is dumped to the rear of Kingsley Avenue is outdated satellite imagery.
- The parking and congestion concerns raised by residents is not as bad as it is being made out to be.

Officer note: Noted.

Support

- The provision of new housing will help with the housing shortage in the district.
- The construction of the new housing will create jobs.
- The new homes will bring more residents to Thornton Lodge, increase footfall for local shops, restaurants and services. This can help boost the local economy and create a more vibrant, thriving community.
- The plans appear to be well thought out and complement and enhance the area, making it safer for residents and providing much needed housing.
- Whilst it is acknowledged that during construction/demolition there will be concerns in respect of noise the future benefits would outweigh this inconvenience.
- The site is located within a sustainable area which has good amenities and public transport links.
- The proposals would be a good investment in the future social-geographic development of the local area.
- The proposed houses would be more than 40m away from existing residential properties and therefore this will minimise any impact.
- The new housing will potentially increase the values of other properties in the area.
- The land at present serves no particular purpose except for attracting the antisocial behaviour or fly tipping. The utilisation of this land could limit the antisocial behaviour that currently plagues Crossland Moor and surrounding areas.
- Several trees and bushes are to be removed to allow for the development however to offset this several trees are to be planted in the rear gardens and green space, which will also improve amenity space on site.
- The development of this site would encourage social contacts, cultural exchange, and a sense of belonging, promoting diverse and vibrant communities. Infrastructure improvements, better amenities and green areas all contribute to a higher quality of life whilst adhering to sustainable practices that protect the environment and promote biodiversity.

- The proposals would dramatically improve the look of the area.
- The land is sloped so the development would be lower than the existing houses on Kingsley Avenue so this shouldn't invade anyone's privacy.
- Residents concern for pedestrians during construction – did they consider the safety aspect when they had large extensions built on their houses?
- The new homes would increase overlooking of the adjacent playground which would provide some additional security for the park users.
- The overall positive impacts outweigh the negative impacts and objections raised.
- It is hard to believe that this land has been used for dog walking given its steepness, being overgrown, and the amount of litter and rubbish.
- Neighbours backing onto this land have unlawfully extended their gardens into the 'precious greenery'.
- If the bin collections were such a major issue they would have already been raised with the Council.
- Whilst it is important to preserve green spaces, the land in its present state is not considered to benefit the local community in terms of health and wellbeing as it cannot be accessed or utilised for recreation purposes.
- The road was previously used to access Thornton Lodge Nursery School and during this period there were never any issues with parking or obstructions.
- Children should not be out playing on the street; this is a public road. There are several play areas within a short walking distance in Lockwood/Thornton Grange/Crosland Moor.
- The design and positioning of the new dwellings seem sympathetic to the character and landscape of the local area.
- The proposal addresses the need for family homes, which is in a great location with plenty of amenities and has excellent public transport, with the train station being close by.
- There are many objections which appear to be from residents who have a personal grievance with the applicant, who is also their neighbour.
- A road safety audit has been carried which gives recommendations as to how the parking issues can be resolved.
- The proposals would incorporate sustainable construction practices, green design concepts, energy efficient technologies and environmentally friendly materials.
- The open and abandoned land has been taken advantage of by criminals for robberies. The provision of well lit pathways, security installations and well planned housing layouts can significantly contribute to making the neighbourhood less vulnerable.

Ward Councillors

7.4 At submission the site was within the Crosland and Netherpton ward where members were:

- Councillor Jo Lawson
- Councillor Imran Safdar
- Councillor Alex Vickers

7.5 Councillor Lawson queried whether the application would be taken to Strategic Planning Committee, and due to the high level of representations received contrary to the Officer's recommendation, this application will be heard at Planning Committee as outlined within paragraph 1.2 of this committee report.

7.6 Both Councillor Lawson and Councillor Safdar also raised that they had received a petition from several residents located on Kingsley Road and Yews Hill Road.

Officer note: The above concerns have been addressed within this committee report.

7.7 Following the May 2026 elections the Crosland and Netherton ward boundaries were changed and divided. As a result, the site falls within the new Crosland Moor ward, where members are:

- Councillor Abdul Jabar
- Councillor Imran Safdar
- Councillor Alex Vickers

Parish/Town Council

7.8 The site does not fall within a Parish or Town Council area.

8.0 CONSULTATION RESPONSES:

8.1 The following is a summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways Development Management – Whilst KC Highways did have initial concerns on the layout and access of the site, following discussions and amended plans/details, KC Highways have no objections to the proposals subject to conditions.

Yorkshire Water – When the applicant proposed infiltration as the means of surface water discharge Yorkshire Water initially raised no objections subject to conditions. However, following infiltration being identified as not feasible and the point of discharge being changed to the public sewer, re-consultation has been undertaken on 27/05/2026 in relation to an alteration to the surface water/foul drainage arrangements. Consultee response is outstanding.

Network Rail – No objections subject to conditions.

KC LLFA – KC LLFA originally objected to the scheme due to a lack of information being submitted. Following receipt of amended drainage details KC LLFA have confirmed, via email, that there are no objections to the proposals subject to conditions. Formal comments are pending and expected to be reported in the update.

KC Crime Prevention – No objection, subject to the applicant taking their advice into consideration.

KC Ecology – No objections subject to the inclusion of conditions.

KC Environmental Health – No objections subject to conditions.

KC Highways Structures – No objections subject to the inclusion of conditions.

KC Landscape – No objection subject to conditions.

KC Trees – Following receipt of the requested Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Site Plan, KC Trees have no objections subject to the inclusion of conditions.

KC Waste Strategy – No objection, subject to conditions and with advice offered.

9.0 MAIN ISSUES

- Principle of development
- Urban Design
- Residential Amenity
- Highway Safety
- Drainage and Flood Risk
- Ecology
- Planning Obligations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

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

10.2 The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

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

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 10.4 Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold. Thus, the presumption in favour of sustainable development is activated in the consideration of this application.
- 10.5 The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.

The Quantum of Development

- 10.6 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Policy LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.7 Considering density, the site measures circa 0.63ha in size, and therefore should provide at least 18 dwellings on site. The proposals seek to provide 10 (a provision of 10 dwellings on 0.63ha equates to 16dph) and therefore falls significantly below the recommended 35 dwellings per hectare.
- 10.8 The applicant has provided an assessment to justify their proposed density. This provides several arguments in favour of the proposed density and is summarised as follows:

The site is characterised by several site constraints which limit the ability to increase density further, these include:

- *Severe gradients and the sloping nature of the site;*
- *The railway line to the east;*
- *The site also has a large tree presence which if to be retained alongside the development, requires the site to be carefully arranged;*
- *The need to form an access from Kingsley Avenue takes up 1/3rd of the gross site area.*
- *Pre-application advice supplied by the Council in 2022 acknowledges the following:*

'As the application site measures 0.94ha it is deemed that the site could potentially be capable of providing 34 dwellings based on the above figures. However, given the nature of the site, proposed site access, railway line, mature planting and the proximity of the site to a children's play area/recreation ground it is considered reasonable that the number of dwellings proposed here would have a lower density than that required within LP7'.

10.9 Officers acknowledge and agree with the above justification, in that given local site constraints, restricted access and the sites openly visible setting, adjacent to existing residential dwellings, a reduced density seems logical and appropriate in this location, therefore on this occasion the proposed housing density is considered acceptable.

10.10 Moving on to housing mixture, LP11 seeks schemes of more than 10 dwellings or those of 0.4ha or greater in size to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). Whilst the proposal seeks to provide just 10 dwellings, the site is greater in size than 0.4ha and therefore housing mixture requirements stated within LP11 are triggered.

10.11 The following is the SPD expectation for Huddersfield South area:

	Market Housing
1 and 2 beds	30-60%
3 beds	25-45%
4+ beds	15-35%

The following sets out the proposals offer:

	Market Housing
1 and 2 beds	0%
3 beds	0%
4+ beds	100%
Total	10

10.12 The proposals market housing mixture does not adhere to the expectations of the SPD, however, it should be noted that the SPD is both a 'starting point' and is applied using a 'comply or justify approach', as opposed to being a mandatory requirement, if further details and/or local circumstance warrant a different approach.

10.13 The applicant has provided an assessment to justify their proposed mixture. This presents several arguments in favour of the proposed housing mixture, which are summarised as follows:

- The proposal currently favours 3 & 4 bedroomed properties; whilst this does not reflect the target mix set out above, these larger family properties add a greater variety into the current housing stock within the immediate area, which is dominated by smaller 2 bed terraced properties with small rear yards. Thus, the proposal's modest (10 unit) addition to the wider housing mix in the immediate vicinity of the site should be seen as a positive rather than undermining the thrust of policy.
- Due to site constraints the site density has had to be reduced; it is likely – although has not been formally verified – that there would be higher than typical abnormal costs associated with the development (particularly in relation to the retaining walls required, and access into the site, which requires demolition of an existing property). To achieve this, it is important to maximise sales values, of which 3 & 4 bedroomed properties are the best way to achieve this.
- Kirklees Council is currently unable to demonstrate a five-year housing land supply of deliverable housing sites and delivery of housing has

fallen below 75% Housing Delivery Target requirement. There is therefore a presumption in favour development (Paragraph 11 of the NPPF). Whilst the housing mix requirements are embedded into policy, there is still a demand for these types of dwellings across the area, and this should weigh strongly in the application's favour.

- 10.14 The weight Officers would afford each of the above arguments would vary in a case-by-case argument. Nevertheless, as also identified by the applicant, this application must be considered with the presumption in favour of sustainable development, as noted in paragraphs 10.2-10.6, due to the Council's lack of a five-year housing land supply. This establishes that housing applications should only be refused (when outside of protected areas, such as this site) if *'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'*.
- 10.15 Notwithstanding the applicant's comments and while giving due regard to the presumption in favour of sustainable development, the proposed housing mixture is considered a negative of the proposal, failing to deliver a diverse selection of house sizes and types, contrary to the aims of the SPD. This must be considered in the context of the planning balance.
- 10.16 First considering the weight to attached to the harm identified, deliberation is given to the points raised by the applicant, it is acknowledged that the immediate area is dominated by smaller terraced properties and therefore the provision of some larger detached properties may be beneficial in this specific area, and given the local constraints of the site, at a time of housing need, the proposal is considered to be of a suitably high quality and is considered to comply with all policy requirements. The proposals departure from the SPD's housing mix target is considered a negative, albeit of limited harm on the planning balance. Also giving some weight to the arguments put forward by the applicant, is not deemed to be reasonable grounds for refusal.
- 10.17 In light of the above, whilst it is acknowledged that the proposal would not accord with the relevant SPD, it would aid in the delivery of housing to meet the Council's targets, and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's impacts, considered below.

Loss of informal Open Space

- 10.18 Given that the existing site appears to be used as informal public open space, as raised within the representations, officers have sought to look into this in more detail. It is noted that this site was identified as open space in the Kirklees Open Space Study 2016 (KOSS) as natural/semi-natural greenspace unused land (site ref OLS 202). It is described in the study as unused/overgrown embankment not suitable as urban green space.
- 10.19 Further information was provided to the Local Plan Examination regarding natural/semi-natural greenspace. Table 3 of the Information on Natural/Semi-Natural Greenspace document lists natural/semi-natural greenspaces not protected under Local Plan policy LP61, including OLS 202 which is described as *'Embankment with some ecological value as mosaic of semi-natural habitats in urban environment. Not suitable as urban greenspace.'* The Local Plan Assessment states that this embankment does not have sufficient open space qualities to perform an urban green space function or merit protection as open space under Local Plan policy LP61.

- 10.20 The definition of open space is set out in NPPF (Annex 2: Glossary) as “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*” In this case, the site does not provide an important opportunity for sport or formal recreation. It was not assessed in the KOSS 2016 as having high amenity benefits, it scored poorly for level of use and was identified as having no public access. In terms of biodiversity, the Council Ecology officer also raises no objections to the principle of development however, they do request that a Preliminary Ecological Appraisal and a biodiversity net gain should be demonstrated in any subsequent planning application.
- 10.21 In this case, the loss of the site as informal open space would not undermine the principle of residential development on this site being acceptable. It is considered the principle of development could potentially be considered to be acceptable in this location, but this is subject to an assessment of the proposal against all other relevant material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

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 located within an existing established settlement, close to various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.24 Specific to the development, the applicant has submitted a Climate Change Statement, which details the following design approach:
- Contractors and materials are to be sourced locally;
 - Materials are to be ordered as and when required to reduce waste;
 - Materials to be used within the new build are to be wholly recyclable;
 - Low energy lighting is to be used within the dwellings;
 - The development seeks to maximise thermal insulation levels in the external walls, floor and roof of the dwellings, where possible.
- 10.25 Regarding the social infrastructure currently provided and available in Lockwood (which is relevant to the sustainability of the proposed development), in terms of doctor’s surgeries, although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and ageing population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations although, in summary, the site falls below the relevant threshold to trigger an education contribution (25+ 2bed units).

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

Urban Design issues

- 10.27 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*
- 10.28 The site is not within or adjacent to a Conservation Area, and there are no Listed Buildings located within close proximity to the site.
- 10.29 Residential development surrounds the application site along the southern boundary. Further to the east and west are additional residential dwellings, and to the north-west is a play area and recreation ground. The proposal would therefore not appear as a rural extension (i.e., encroaching into open countryside), but more so an infill development. It is accepted that the development of the site would lead to a notable change in the character of both the site and the wider area, and therefore the development of the site would need to respect the topography and character of the area, without being overly dominant. Whilst it is acknowledged that the site is located within a prominent and open location, set at a high ground level, elevated dwellings are not uncommon in the area, given the topography of the district. The dwellings would also be built into the landscape, ensuring that they respect the character of the area. It is considered that the proposed development sufficiently achieves this.
- 10.30 The layout of the development is largely determined by the natural features of the site, which is somewhat constrained by existing development which bounds the site to the south, the railway to the east, the steep topography of the site which slopes from the south to the north, and the restriction to the single access onto Kingsley Avenue. It largely follows the established contours of the land, which is a logical response and minimises retaining works.
- 10.31 In terms of urban grain, it is acknowledged that the wider area is typically defined by rows of terraced properties, of older stock and which are smaller in scale to typical modern housing. However, to the north of the site off Mill Street, there is a new housing estate which is currently under construction, and comprises small, detached dwellings throughout. The proposals are therefore considered to provide more contemporary larger semi-detached dwellings, which are not currently found within the immediate area but are more reflective of new dwellings provided off Mill Street, the proposals are therefore deemed to be acceptable. A sympathetically integrated patchwork of differing scales and designs, to reflect the era of construction, is not atypical for residential dwellings in the urban environments, particularly outside of sensitive heritage zones.

- 10.32 Progressing to the specifics of the proposed dwellings, as is set out in detail in the table of paragraphs 10.53-10.54, all the proposed dwelling houses exceed the minimum space standards set out in the Government's National-Described Space Standards. This is, in itself, not a cause for concern as the standards are minimums, not maximums. Notwithstanding this, the proposed dwellings are not considered to be significantly larger than properties surrounding the site, which vary substantially in scale and size. As the surrounding area is defined by varied house types, the established character area allows for some variance between streets, although it is noted that the area does comprise more traditional style, 2 storey terraced properties.
- 10.33 The sites existing ground level slopes from south to north. Retaining walls would therefore feature throughout the site, ranging between 1 and 6m at the most extreme. With the most extreme retaining wall being located adjacent to the railway line, this is inside the site and is not considered to significantly detract from the visual amenity of the area. In addition, most of the walls are to be contained within rear gardens or within the site and therefore are less visible from wider public vistas. However, it is acknowledged that due to the site's location on top of a slope, and its restricted nature, the large retaining wall to the north would be openly visible from public vantage points to the north, such as from Church Street, and the play area and recreation ground. Nevertheless, there is substantial existing planting which does provide a buffer and would soften the appearance of the retaining wall from these vantage points. Furthermore, the applicant's proposals include 'supplementary planting to Northern corner of site'. While outside of the red-line plan, it falls within the blue land, and therefore a suitably worded condition can secure the provision of this landscaping too (with landscaping of the site considered in more details below). This additional planning will supplement the existing screening, to further mitigate the appearance and prominence of the rear retaining walls. In addition to the above, following discussions with the applicant, stepped gardens have been provided, to try and ensure that this retaining wall is kept to an operational minimal. A condition for the materials of all retaining walls is recommended, to ensure suitable end appearance.
- 10.34 The proposed dwellings are all to be split level, presenting two storeys to the front (south facing), with some single storey sections, while presenting three storeys to the rear (north facing). As mentioned above, dwellings in the area are typically 2 storeys in height, and while those proposed would be larger than is typical for dwellings in the area, the proposed units are not considered to be so unduly large to appear incongruous when viewed within the context of the area. Furthermore, utilising split level properties helps to minimise the need for standalone retaining works, through incorporating the retention into the dwelling structure.
- 10.35 Moving on to the design of the dwellings, architecturally they have a simple and contemporary vernacular. The architectural design of dwellings in the area is varied, however, there is a strong element of 2 storey traditional terraces constructed in stone. Officers consider that the modern attractive vernacular of the proposed units would appear suitably harmonious given that the units would be viewed amongst the less traditional properties on Kinglsey Avenue. More generally, the character of the surrounding area largely comprises 2 storey stone built terraced properties set within small/medium sized plots of a higher density. Whilst the dwellings would have a lesser density than adjacent residential properties the proposals are not considered to significantly detract from the area given their linear arrangement within the site.

- 10.36 Regarding facing materials, whilst the submitted Design & Access Statement outlines a mix of natural course stone to the ground floor and off-white render above, Officers have discussed this with the applicant's agent and it was agreed that the dwellings are to be constructed using natural coursed stone throughout, in the interests of visual amenity. This will be secured via condition, should planning permission be granted.
- 10.37 Roofing materials are proposed as slate tiles. Roof designs are to consist of pitched and mono pitched designs. It is considered in this instance that the roof designs are reflective of properties within the immediate area, and that the materials would be acceptable, subject to a suitable end product being used. This should be complimentary to adjacent development and is likewise recommended to be securable via condition.

Landscaping/Boundary Treatments

- 10.38 Boundary treatments include a mix of hit and miss timber fencing to the rear and between dwellings, a gabion basket retaining wall to the south, and a cribblock half battered retaining wall to the north given the sloped topography of the site. Whilst officers do have concerns in respect of the proposed cribblock materiality, it is considered that should planning permission be granted, as noted previously, a condition should be imposed requiring retaining wall materials to be submitted to the council for assessment prior to their installation. In terms of the timber fencing and gabion basket wall to the south, these materials are typical in the urban environment, and the gabion baskets would be located internally and would not be openly visible from wider public vantage points, therefore they are considered to be acceptable.
- 10.39 Moving on to proposed landscaping, limited details have been provided in respect of soft landscaping, although, given the scale of the development and that outdoor space is limited, this is not unreasonable. Nevertheless, several trees are shown to be retained within the site, with new trees to be planted throughout the site, where able. As noted in paragraph 10.33, this planting includes new 'supplementary planting to Northern corner of site'. While not specified, officers would expect this planting to include tree species which, over time, will form an attractive feature and screen the rear of the properties. The submitted landscaping details are sufficient to demonstrate that a suitably attractive landscaped environment is achievable. The submission of a full landscaping strategy, to demonstrate in detail how this will be achieved, along with a landscape management and maintenance plan is recommended to be secured via condition, should planning permission be granted.
- 10.40 Given that only ten units are proposed, no formal onsite public open space is to be provided within the site however, as noted above, area to the north of the site (within the blue land) is to be left undeveloped, with enhanced planting, and therefore may comprise of areas of soft landscaping to help soften the overall scheme. This land would also provide amenity benefits to existing and proposed residents, regarding an attractive outlook.
- 10.41 In terms of hard landscaping, estate roads are to consist of tarmacadam in a grey/black finish with a decorative border, and paved garden areas are to be finished with Everscape Kemble Sand Outdoor Tiles or similar. These materials are considered to be suitable.

- 10.42 In regard to the existing trees on site, Policy LP33 of the Kirklees Local Plan states:

The Council will 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, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

- 10.43 Whilst there are no protected trees within the site, there are many trees of value that have been awarded Category A/B trees within the submitted tree survey. The Arboricultural Impact Assessment notes that no high value trees will be removed in order to facilitate this development, and that no pruning is required as part of the project, and that whilst several trees are to be removed these are mostly low value and/or in poor condition.
- 10.44 Nevertheless, to ensure the trees retention within the site, tree protective fencing is to be erected around the retained trees, as outlined within the Tree Protection Plan contained within the submitted Arboricultural Method Statement (AMS). Recommendations are also provided within the AMS in regard to site inspections, development within Root Protection Areas (RPA), demolition of existing hard surfaces, existing buildings and other features within the RPA, construction of special surfaces, service runs, changes in ground levels, removal of protective fencing and the post construction landscaping.
- 10.45 Given the above, an assessment has been undertaken by the Council's Trees Officer who considers the proposals to be acceptable, and that the development is undertaken in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Proposed Tree Site Plan.
- 10.46 In summary, the proposed works would notably change the character and appearance of the site and wider area, nonetheless, the proposed development is deemed to be designed to a high standard and would infill a portion of land, located on the edge of existing development, thus representing an attractive continuation of the residential environment. 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 National Planning Policy Framework.
- 10.47 The above assessment has been based on the proposal as submitted. Given the layout of the development and its location adjacent to other residential properties, it is considered that further development on the site, via extensions or outbuildings, could notably affect the quality of the design. It is therefore deemed prudent to remove permitted development rights for outbuildings and extensions for all units within the site, a condition of which officers recommended to be included.

Residential Amenity

- 10.48 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.
- 10.49 All separation distances to third party dwellings neighbouring the site notably meet/exceed the typical minimums outlined within the Housebuilders Design Guide SPD, namely 21m between facing rear habitable room windows and 12m between habitable room windows and a blank/side facing wall of original buildings (i.e. excluding extensions), and the provision of new boundary treatments allows for further screening of the site.
- 10.50 It is acknowledged that topographical differences may warrant a departure from the typical minimums outlined within the Housebuilders Design Guide SPD. The site slopes from south to north and with the changes proposed to ground levels to create developable plateaus and level plots, the dwellings and access road proposed are to be set at a slightly lower ground level than those properties on Kinglsey Avenue, but would be set at a higher ground level than properties located to the west on Church Street. However, this arrangement is not uncommon within the area given the sloped topography of the area in general. Given that the recommended separation distances have been met/exceed and the orientation of dwellings to adjacent residential properties, Officers consider that there are no significant concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature. However, it is considered reasonable and necessary to remove permitted development rights for extensions and outbuildings within the properties to avoid any loss of residential amenity in the future.
- 10.51 Furthermore, it has been raised in representations that adjacent properties currently have a clear view over the site, which is currently undeveloped. Whilst noted, there is no right to a view in planning, and the loss of an attractive view is not a material consideration. The material consideration is the impact of their amenity, through matters such as overbearing, overshadowing and overlooking, which has been discussed above.
- 10.52 As the site is classed as a major development a Construction Environmental Management Plan will be required to address any construction matters which may lead to a loss of amenity to the occupiers of neighbouring properties, this is recommended to be secured via a condition, should planning permission be granted.
- 10.53 In summary, subject to the recommended conditions, Officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.54 The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the

council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	No. of Beds	No. of units	Proposed GIA,m ²)	NDSS (GIA m ²)
House Type A (Plots 3, 4, 7 and 8)	4	4	170sqm	130sqm
House Type B (Plots 1, 2, 5 and 6)	4	4	195.28sqm	130sqm
House Type C (Plot 9)	4	1	167.53sqm	130sqm
House Type C (Plot 10)	4	1	195.95sqm	130sqm

- 10.55 All of the proposed units would exceed the NDSS minimums, which is welcomed. All units would also have well-proportioned habitable rooms that are served by good sized windows. The internal spacing and separation distances between the units are acceptable and will not result in overbearing, overshadowing, or overlooking between the new units.
- 10.56 All the dwellinghouses would have outdoor amenity space, including private gardens of a size commensurate to the host dwelling. However, by virtue of the sites sloped topography and need to create level plateaus for the dwellings, retaining walls would be in many of the units' gardens. This does mean that in some instances gardens are subdivided reducing their effective size. Nevertheless, tiered gardens are not unusual across Kirklees, due to the steep topographical parts of the region. Officers consider that the retaining walls proposed within the rear gardens would not result in material harm to the amenity of future occupiers.
- 10.57 Policy LP47 of the KLP refers to healthy, active, and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being.
- 10.58 The requirement to provide on-site public open space is 11 or more dwellings, therefore such facilities are not expected for this proposal. Nevertheless, there are noted to be accessible open spaces directly adjacent to the site that future residents could access.
- 10.59 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise and is not incompatible with existing surrounding uses.

- 10.60 The site is, however, adjacent to the railway. The applicant has submitted a Noise Assessment Report; this report concludes that the target internal noise levels for bedrooms and living/dining areas can be achieved by using adequate glazing specification. Ventilation will also be required for both living and bedroom areas. The external amenity areas exceed the requirements of BS8233 and a 2m high barrier is recommended within the report with a specification given. KC Environmental Health request that should planning permission be granted, mitigation measures recommended within the report shall be implemented and be retained thereafter, securable via a recommended condition.
- 10.61 To conclude, the proposed development is not considered to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Highway Safety

- 10.62 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.
- 10.63 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. The NPPF continues that 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.
- 10.64 The volume of traffic generated by the proposed 10 dwellings would be limited. K.C. Highways have identified this as being expected as 7 vehicle movements in the peak hours, or circa one movement every eight and a half minutes over that hour. This would have a limited impact upon the capacity and operation of Kingsley Avenue and the wider highway network.
- 10.65 Access is to be provided via Kingsley Avenue to the south; this would require the demolition of no. 18 Kingsley Avenue, and the relocation of parking for no. 20 Kingsley Avenue to the rear of the property. Suitable visibility has been demonstrated at the entrance, and a rumble strip is proposed. To ensure the junction is kept free of parked vehicles, the developer has been asked to fund a Traffic Restriction Order (TRO) for waiting restrictions at the site access. This would involve a sum payable of £10,000 to be secured via a Section 106 agreement. In addition, the existing lighting column in the vicinity of the site access will require relocating and will be secured via condition.
- 10.66 An independent Stage 1 Road Safety Audit (RSA) and designers' response have been provided regarding the access arrangements associated with the site, which have been considered and addressed accordingly. In summary, the access, as proposed, has been demonstrated to be safe and effective.

- 10.67 Regarding the internal road arrangements, the submitted details and Stage 1 RSA have been reviewed by KC Highways Development Management. It is proposed that the internal layout would be maintained privately (not offered for adoption) as indicated on the submitted highway areas plan ref: PRGN-2329-HGN-DR-CH-0002 (adoption would be subject to separate S38 process). The internal layout has been designed in accordance with the Council's Highway Design Guide SPD as far as reasonably possible but falls short for the requirements of adoption by the Council. Nonetheless, and as confirmed by the RSA, KC Highways Development Management are satisfied that the proposed road would be safe, with all necessary facilities and standards.
- 10.68 The Council's refuse collection team may not enter the unadopted road to collect refuse; if this is not the case, then as a fall-back position a refuse collection point has been indicated adjacent to Kingsley Avenue, allowing refuse teams to collection from the adopted highway. This bin collection area would require residents to present bins for collection at this location on bin collection days. This would include a notable drag distance, particularly for the further plots 9 and 10, that weighs against the proposal, however the harm on the planning balance would not be significant. A condition requiring that the bin-collection point, as shown on the plans, is provided prior to occupation is recommended.
- 10.69 All dwellings would have a level of dedicated off-road parking in accordance with the Council's Highway Design Guide SPD, including suitably sized garages (measuring 6m x 3m internally). In terms of visitor parking, the Highways Design Guide SPD recommends one per four dwellings. This amounts to 2.5 (rounded up to 3) dedicated spaces, which the proposal includes. Furthermore, these spaces are well located through the site, positioned centrally within the site. KC Highways have raised no objection to the visitor spaces. In terms of parking for no. 20 Kingsley Avenue, this is to be relocated to the rear of the dwelling, and would include 2 off-street parking spaces, accessed via the new entrance into the site. This is deemed to be acceptable.
- 10.70 All dwellinghouses are shown to have adequate space for the storage of three waste bins in either their side or front gardens, which is welcomed.
- 10.71 It may be that this development is to be phased, a condition is therefore to be imposed for a waste collection strategy during the construction phase. This is due to refuse collection facilities not accessing roads prior to adoption or whilst construction works continue, therefore appropriate arrangements must be considered and implemented.

Sustainable Travel

- 10.72 Policy LP20 of the Kirklees Local Plan states:

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

- 10.73 The site is below the threshold for the requirement of a Travel Plan (50+ units). Nevertheless, the volume of traffic generated by the proposed 10 units would be negligible and would have a limited impact upon the capacity and operation of the wider highway network. For sustainable travel, the site is within an established urban envelope, located in close proximity to both Lockwood Local Centre (0.3mile walk), and Thornton Lodge Local Centre (0.4mile walk), indicating close amenities, as well as connections to the public transport network.
- 10.74 A condition is recommended for details of secure (from crime and the elements) cycle storage, for each plot, to promote sustainable travel. Regarding public transport, the site is within walking distance to bus stops on Yews Hill Road and Park Road; both are circa 0.2mile walk. The stops are served by nos. 387 and 393, services, which provide frequent services between Beaumont Park, Blackmoorfoot and to Huddersfield bus station. Lockwood also benefits from a train station, located a 0.2mile walk away from the application site. Based on these considerations, officers are satisfied that the proposal complies with the aims of LP20 (sustainable travel).
- 10.75 Overall, it is concluded that the proposal is acceptable with regard to the matters of access and highway impact. Subject to relevant conditions it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be appropriately mitigated. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

Drainage and Flood Risk

- 10.76 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.77 First considering flood risk from fluvial sources, the site is wholly within Flood Zone 1 and is therefore concluded to be at low risk.
- 10.78 Considering surface water and foul water arrangements, attenuation storage is to be provided via subterranean attenuation crates (Polystorm PSM1a or similar), located towards the southern boundary of the site, opposite plots 7 & 8. Attenuation storage will be provided for rainfall events up to the return period of 1 in 100 year plus climate change. The submitted indicative details are welcome and demonstrate suitable space has been provided for water, although a condition for a fully detailed scheme is recommended. Subject to this condition, KC LLFA raise no objections to this.
- 10.79 During the application process, the developer sought to change the method of surface water disposal from a large soakaway tank (plus a smaller soakaway ring for road drainage) to a gravity connection. This is due to KC LLFA raising concerns that infiltrated water may re-emerge into the railway tunnel or railway embankment that is immediately adjacent to the east of the site, which would introduce a risk of destabilisation. Therefore, the new outfall will be into the Yorkshire Water sewer with a geocell tank providing storage and a hydro

brake rated at 3.5l/s instead of the soakaways. This is determined to be the sequentially preferable (with due regard to the drainage hierarchy) solution, as the soakaway has been discounted on technical grounds. Given the above, Yorkshire Water were reconsulted on this change and were provided with surface water calculations. Their comments have not been received at the time of this committee report being published. It therefore forms part of the recommend that, should members be satisfied with all other aspects of the proposal, the determined of the application be delegated back to the officer to resolve any outstanding comments from Yorkshire Water. KC LLFA consider that there are no issues with the proposed arrangements, that adequate space and provision for water has been provided, and there is no risk for surface water flooding. Nevertheless, confirmation of this, from Yorkshire Water (as the point of discharge is their network) is required.

- 10.80 A strategy for the maintenance and management of the approved SUDs/surface water infrastructure is recommended to be secured via condition, while an obligation to undertake said management and maintenance (until formally adopted by the statutory undertaker) is recommended to be secured via the Section 106 agreement. Finally, conditions are recommended for details of temporary surface water drainage arrangements during construction and final flood routing strategy, during exceedance events.
- 10.81 Considering the above, subject to the proposed conditions and securing the 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.

Ecology

- 10.82 Policy LP30 of the Kirklees Local Plan states that the council will 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.
- 10.83 The applicant has submitted a Preliminary Ecological Appraisal and Ecological Impact Assessment which has been reviewed by KC Ecology. This report states that the site comprises two semi-detached buildings (numbers 18 and 20 Kingsley Avenue) and associated hardstanding, leading to an area of green space to the north comprising dense and scattered scrub, broadleaved plantation woodland, species poor semi-improved grassland and scattered trees. The area is bound by residential dwellings to the south, public green space to the north-west and a woodland belt to the east. The site was evaluated to support local value on a regional scale. The report provides several recommendations for bats, birds, invasive species, reptiles and mammals. As outlined within the Ecological Impact Assessment it is deemed reasonable to include a condition which requires the development to be carried out in accordance with the enhancement strategies contained within the Ecological Impact Assessment.
- 10.84 *Crocsmia*, which is an invasive plant, has been identified on site, as detailed within the submitted Ecological Impact Assessment. It is noted that standard precautions would apply regarding the clearance of this vegetation and its removal is recommended to be secured via condition, should planning permission be granted.

- 10.85 Furthermore, a condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is recommended, to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species.
- 10.86 Turning to net gain, the application was submitted before the mandatory 10% Biodiversity Net Gain requirement in England under the Environmental Act 2021 came into force. Nevertheless, a 10% net biodiversity gain was already required to be demonstrated in accordance with Chapter 15 of the NPPF, Local Plan Policy LP30, and the Council's Biodiversity Technical Advice Note. The applicant has therefore submitted a Biodiversity Net Gain calculation which has been undertaken using the DEFRA metric. This shows a baseline of 4.79 habitat units and 0.14 hedgerow units. There are no watercourse units on site. The proposed development is predicted to lead to a post-intervention value of 2.83 habitat units and 0.16 hedgerow units. Resulting in an estimated loss of – 1.96 habitat units (-40.87%), and 0.02 hedgerow units (15.80%). The applicant will therefore need to provide a minimum of 2.44 habitat units off-site to meet the required 10% net gain.
- 10.87 A condition and Section 106 obligations are recommended, requiring the applicant to provide a minimum of 2.44 habitat units, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the council would be required to spend on compensatory measures at an available site.
- 10.88 Taking the above into consideration, the proposals are considered, subject to conditions and S106 contributions to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- Adjacent Railway Network
- 10.89 The site is adjacent to the railway network. Network Rail has been consulted on the proposals; while their initial response raised concerns in respect of landownership, following discussions with the applicant's agent, these issues have now been overcome. Nonetheless, in the interests of safety, Network Rail's operational needs and the integrity of the railway, Network Rail requested several informative notes and conditions be included on the decision notice, if the council is minded to approve planning permission. These include the following:
- No works to take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.
 - Construction methodology, to be submitted to Network Rail outlining how the construction will be managed to avoid interfering with the operation of the highway.
 - Erection of boundary fencing, as the proposal is likely to increase the risk of access/trespass onto the railway.
 - Drainage condition, ensuring that water flow and/or attenuation features are directed away from Network Rail land.
 - Landscaping, to avoid potentially harmful planting adjacent to the railway.
 - Turning areas/car parking, the design and installation of suitable vehicle incursion measures should be secured.

- 10.90 Officers are satisfied that each of these matters are material planning considerations and therefore the requested conditions are considered to be acceptable, passing the six tests for planning conditions, in the interests of safety and the operational needs and integrity of the railway.
- 10.91 In addition to the above, Network Rail wish to highlight to the developer that they should be aware that any development for residential or noise sensitive uses adjacent to an operational railway may result in neighbour issues arising. Consequently, the applicant has submitted a Noise Impact Assessment which takes into consideration the adjacent railway line and train activities. It concludes that that internal ambient levels from the guidance in BS8233:2014 can be achieved by using an adequate glazing specification and ventilation. The erection of an acoustic barrier is also recommended. This shall be secured via condition.

Planning Obligations

- 10.92 Paragraph 58 of the NPPF confirms that planning obligations must only be sought where they meet all the following:
- A. necessary to make the development acceptable in planning terms;
 - B. directly related to the development; and
 - C. fairly and reasonably related in scale and kind to the development.
- 10.93 Should planning permission be granted, Officers recommend that this permission should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.94 Policy LP11 of the Local Plan and the Council's Affordable Housing and Housing Mix SPD requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. As this scheme seeks to provide just 10 dwellings, this requirement has not been triggered.

Public Open Space

- 10.95 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.
- 10.96 The requirement to provide on-site public open space is 11 or more dwellings, therefore such facilities are not expected for this proposal. Nevertheless, there are noted to be accessible open spaces within the local area that future residents could access.

Education

- 10.97 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. As this scheme seeks to provide just 10 dwellings, this requirement has not been triggered.

Biodiversity Net Gain

- 10.98 As detailed in paragraph 10.60, a contribution of £56,120 towards off-site measures to achieve biodiversity net gain is recommended to be secured within the S106 agreement, to comply with LP30 of the Kirklees Local Plan.

Highways

- 10.99 As detailed within the highways section of this report, it is recommended that the following contribution towards highways and sustainable travel be secured:

- £10,000 to fund waiting restrictions at the site access (Kingsley Avenue).

The provision of the above is considered to comply with the aims of Policy LP20 of the Kirklees Local Plan.

Management and Maintenance

- 10.100 Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on site, such as the management and maintenance of drainage infrastructure (prior to its adoption by a statutory undertaker), and informal Public Open space on site in perpetuity.

Other Matters

Demolition of no. 18 Kinglsey Avenue

- 10.101 To gain a suitable access into the proposed development site, no. 18 Kinglsey Avenue which comprises part of a semi-detached pair is to be demolished. Drawing no. ACU(100)09 has been submitted which shows elevational details of no. 20 post demolition of no. 18. The drawings show the side elevation of no. 20 being repaired with new soffits to the gable end (to match the existing), new pebbledash render (to match existing) and proposed red brickwork (to match existing). These details are considered to be sufficient; however, it is considered reasonable to include a condition which requires these works to be completed prior to occupation of the first dwellinghouse on site. This is to ensure that repair works to no. 20 are undertaken at a suitable time in the development process.

Contaminated Land

- 10.102 In accordance with Local Plan Policy LP53, as a major residential development consideration of ground contamination is required.
- 10.103 The application is supported by a Phase 1 Desk Top Study Report authored by RB Geotechnical, dated March 2023 (ref: EBG342, Issue 001). Furthermore, the site is noted to be within the Low-Risk Coal Zone. Therefore, a Coal Mining Risk Assessment and consultation with the Mining Remediation Authority is not required, although the MRA's recommended note for development within Low-Risk Zones would be placed on the decision notice, if minded to approve.

- 10.104 KC Environmental Health has reviewed the above document noting that the report suggests that there are no buildings on the site, therefore it has not considered the demolition of the existing dwelling and the potential contaminated land risks associated with the demolition of the property. Nevertheless, the information submitted is considered to be sufficient to demonstrate that development of the site is not prohibited by contamination concerns. Therefore, subject to contaminated land conditions (including an updated Phase 1 report) to ensure safe occupation of the site, KC Environmental Health do not object to the proposal.
- 10.105 The above recommended conditions are deemed to be sufficient mitigation, and to accord with LP53 of the Kirklees Local Plan.

Crime Mitigation

- 10.106 The West Yorkshire Police Liaison Officer has made several comments and recommendations, particularly with regards to climbing aids, EV charging points, secure boundary treatments, public address system, cycle stand security, and maintenance of hedgerow and shrubs. West Yorkshire Police have no objection in principle to the application, provided that their advice is considered and implemented wherever possible.
- 10.107 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).

Minerals

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

11.0 **CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks the demolition of 18 Kingsley Avenue to create access to a new residential development comprising 10 dwellings. The proposed density (16dph), whilst lower than the expected housing density of policy LP7 (35dph), giving due regard to the constraints identified throughout the planning process, means that the proposed 10 dwellings is considered appropriate for the site and complies with the expectations of the Local Plan on this occasion. The housing mixture (i.e. sizes) proposed does depart from the expectations of the Council's Affordable Housing and Housing Mix SPD, which is a negative of the proposal. However, the departure from expectations is considered to have been justified by the applicant within the Density and Housing Mix Statement, and the harm caused is not considered to outweigh the presumption in favour of sustainable development, established by the Council's lack of a five-year housing land supply. Accordingly, the principle of development is concluded to be acceptable.

- 11.3 Site constraints include topography, the adjacent railway line, neighbouring residential properties 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.
- 11.4 In terms of drainage, as outlined within the report during the application process, the developer sought to change the method of surface water disposal due to KC LLFA raising concerns that infiltrated water may re-emerge into the railway tunnel or railway embankment that is immediately adjacent to the east of the site, which would introduce a risk of destabilisation. Therefore, Yorkshire Water have been reconsulted on this change and were provided with surface water calculations. Their response is pending. Should members be satisfied with all other aspects of the proposal, it is recommended that this outstanding matter be delegated back to the officer, to resolve any outstanding comments from Yorkshire Water. KC LLFA consider that there are no issues with the proposed arrangements, however, confirmation of this, from Yorkshire Water is required.
- 11.5 Other planning issues, such as ecology, and trees have been considered and addressed through the proposal.
- 11.6 Accordingly, the development is recommended for approval, subject to deferral back to resolve any comments from Yorkshire Water, with obligations for on-site management and maintenance of both informal public open space and of drainage features in perpetuity (unless adopted by the statutory undertaker), secured via a S106 agreement which has been agreed with the applicant.
- 11.7 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) Development shall be begun within three years of the date of the permission
 - 2) Development to be carried out in accordance with the approved plans and specifications schedule listed in the decision notice
 - 3) Prior to occupation a scheme detailing the dedicated facilities that will be provided at each dwellinghouse for charging electric vehicles and other ultra-low emission vehicles shall be submitted to the Local Planning Authority, and be installed prior to occupation
 - 4) Prior to occupation, details of secure and covered cycle storage for all dwellings shall be submitted to the Local Planning Authority and no dwelling shall be occupied until the approved cycle parking facilities have been provided for that dwelling. Cycle storage facilities shall thereafter be retained.

- 5) Details of all boundary treatments and retaining wall materials (including sections and details of levels) shall be provided prior to commencement of superstructure works
- 6) Samples of the proposed external materials to be used (walls and roofing) within the hereby approved dwellings shall be submitted and approved prior to their use
- 7) Removal of Permitted Development Rights for outbuildings and extensions on all hereby approved dwellings
- 8) Submission of a Landscape Management and Maintenance Plan (LMMP) for the external areas including any open space accessible to the public – approved in conjunction with Network Rail prior to works commencing
- 9) Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority and shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties during construction works
- 10) Before the development is first brought into use, all works which form part of the sound attenuation scheme specified in the Noise Assessment Report shall be completed, and written evidence to demonstrate that the specified noise levels have been achieved
- 11) Before the development is brought into use, details of an acoustic barrier (as recommended in the Noise Assessment Report) shall be submitted to and approved by the Local Planning Authority. The acoustic barrier shall be installed prior to occupation and retained thereafter
- 12) Before the development commences a scheme detailing the location and cross-sectional information and construction/design details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highway shall be submitted to the Local Planning Authority. The approved scheme shall be implemented prior to commencement of the proposed development and thereafter retained during the life of the development
- 13) Before the development commences, a scheme detailing the location and cross-sectional information and construction/design details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to the Local Planning Authority. The approved scheme shall be implemented prior to commencement and retained for the life of the development
- 14) Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environmental Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
- 15) Before development commences, any obstruction shall be set back to the rear of the proposed visibility splays as approved and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved by the Local Planning Authority.
- 16) Means of access to and from the site shall be in accordance with the preliminary access design and be fully constructed and made

- operational prior to first occupation of the development and retained and maintained for the lifetime of the development
- 17) Prior to construction commencing, a schedule of means of access for construction traffic shall be submitted to the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
 - 18) Development shall not commence until a survey of the existing condition of the highway on Kingsley Avenue and surrounding network where applicable has been submitted to the Local Planning Authority. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Kingsley Avenue, shall be submitted to the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.
 - 19) Bin collection area to be surfaced and provided prior to occupation.
 - 20) The development shall not be occupied until the existing lighting column in the vicinity of the site access has been relocated, in agreement with the Council's Street Lighting Engineer.
 - 21) Where implementation of development is to be phased, and/or any dwellings are to be occupied prior to the completion of the development, details of temporary and permanent arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to the Local Planning Authority prior to occupation of those residential units. Temporary arrangements shall be implemented prior to first occupation and be retained thereafter for the duration of the construction works
 - 22) There shall be no piped discharge of surface water from the development and no part of the development hereby approved shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed.
 - 23) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase has been submitted to the Local Planning Authority.
 - 24) Prior to the commencement of development (including ground works), a scheme detailing foul, surface water and land drainage, including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to the Local Planning Authority. No part of the development shall be occupied until the drainage scheme has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.
 - 25) Development shall not commence until an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area has been submitted to the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and shall be retained thereafter.

- 26) Development shall be carried out strictly in accordance with mitigation strategies outlined within the approved Ecological Impact Assessment
- 27) An invasive non-native species protocol shall be submitted detailing the measures for containment, control and removal of *Crocospia* prior to development commencing
- 28) Prior to development commencing, a Construction Environment Management Plan: Biodiversity shall be submitted to the Local Planning Authority and shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 29) Submission of a Biodiversity Enhancement and Management Plan (BEMP) ensuring no less than a 10% biodiversity net gain, prior to commencement of development
- 30) Submission of a Biodiversity Gain Plan prior to commencement of the development
- 31) No development shall take place in proximity to railway tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works – approved in conjunction with Network Rail
- 32) Development shall not commence until a construction methodology has been submitted to the Local Planning Authority and demonstrates consultation has been undertaken with the Asset Protection Project Manager at Network Rail
- 33) A suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) must be provided prior to works commencing on site, and provision must be made for its future renewal and maintenance.
- 34) The design and installation of suitable vehicle incursion measures to protect the adjacent railway network, must be provided prior to works commencing on site
- 35) The demolition of no. 18 Kingsley Avenue shall be undertaken in accordance with the hereby approved Demolition Impact & Method Statement
- 36) Repair works/reinstatement of the side elevation of no. 20 Kingsley Avenue shall be undertaken and completed prior to commencement of development on the superstructure works of dwellings hereby approved
- 37) Demolition, site clearance or any former structures or any groundworks shall not commence until a Phase II Intrusive Site Investigation Report has been submitted and approved
- 38) Where site remediation is recommended in the above Phase II Report, further works shall not recommence until a Remediation Strategy has been submitted and approved
- 39) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy, however if remediation is unable to proceed in accordance with the Remediation Strategy, or contamination not previously considered is encountered on site, all ground works in the affected area shall cease immediately and works shall not recommence until proposed revisions are made to the Remediation Strategy
- 40) Following completion of any measures identified in the approved Remediation Strategy or revised Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91907>

Certificate of Ownership

Certificate A signed.