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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Mar-2020**

**Subject: Planning Application 2018/90208 Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SR**

**APPLICANT**

Steve Byram, SB Homes  
Ltd

**DATE VALID**

16-Jan-2018

**TARGET DATE**

17-Apr-2018

**EXTENSION EXPIRY DATE**

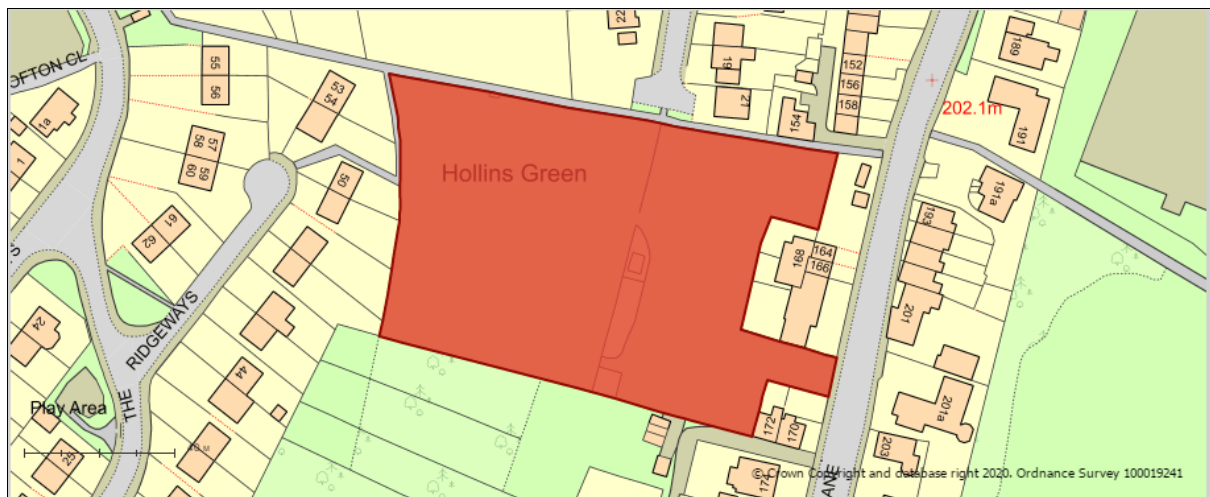
28-Jun-2018

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

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: Yes**

**Public or Private: Public with Private appendix**

The appendix to this report is recommended for consideration in private in accordance with schedule 12A of the Local Government Act 1972 as it contains commercially-sensitive information. The public interest in maintaining the exemption, which would protect the interests of the council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making.

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**RECOMMENDATION:**

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

- 1) Affordable housing – Four affordable housing units (Discount Market Sale) to be provided in perpetuity.
- 2) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
- 3) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 4) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent allocated land to the south without unreasonable hindrance.

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

**1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission, for a residential development of 18 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

The application was previously considered by the Huddersfield Sub-Committee on 30/01/2020. The Sub-Committee deferred determination to:

- 1) Allow for officers and the applicant to look at different options for utilising the allocated funds in the Section 106 agreement for the delivery of affordable housing;
- 2) Assess the suitability of the site's access point onto Gillroyd Lane, taking into account the potential for further housing development within the site allocation; and
- 3) Investigate further the implications for off-site drainage.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.77 hectares in size, has previously been in agricultural use, and is located south of Hillside View, east of The Ridgeways, and behind (to the west of) 164 to 172 Gillroyd Lane. Surrounding uses are residential, however there is previously-undeveloped (greenfield) land to the south.
- 2.2 The application site generally slopes downhill from its site entrance on Gillroyd Lane (approximately 202m AOD) to its westernmost point (approximately 180m AOD). The slope is not uniform from east to west – gradients vary across the site.
- 2.3 The site is within the Linthwaite Conservation Area.
- 2.4 There are trees and shrubs along the edges of the application site, and at its centre. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of the site northeast bestows protection on trees. Trees outside the application site, to the northwest, are protected by Tree Preservation Orders 53/91/g1 and 53/91/g2. A dry stone wall runs north-south across the middle of the application site.
- 2.5 No public rights of way cross the application site, however public footpath COL/69/30 runs along the site's north edge, providing an east-west pedestrian connection between Gillroyd Lane and Causeway Side.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS126). A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a twice buffer zone covers the site.

## **3.0 PROPOSAL:**

- 3.1 The applicant seeks full planning permission for the erection of 18 dwellings.
- 3.2 A serpentine estate road is proposed from the site's Gillroyd Lane entrance. This would sweep downhill (coming close to the point where Hillside View meets the public footpath) and would continue towards the site's southwest corner, terminating with a private drive. Dwellings would be arranged along this new estate road and private drive. A pedestrian connection is proposed between the estate road and the adjacent public footpath.

- 3.3 Four semi-detached and 14 detached dwellings are proposed. Dwellings would have 2- and 3-storey elevations, and pitched roofs. Six house types are proposed. All 18 dwellings would have three bedrooms.
- 3.4 In relation to affordable housing, the applicant has agreed to the provision of four Discount Market Sale units on-site, or a financial contribution (equivalent to the value of a single social rent unit) towards off-site provision.
- 3.5 No publicly-accessible open space is proposed. An attenuation tank is proposed beneath the private drive.
- 3.6 All dwellings would have off-street parking, with the detached dwellings having attached or integral garages.

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

- 4.1 2014/93289 – Outline planning permission granted 26/01/2016 for a residential development of up to 20 dwellings.

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

- 5.1 During the life of the current application, the applicant added one residential unit close to the site's northwest corner (increasing the number of units from 17 to 18), proposed various options for affordable housing provision, amended the proposed layout to include an extension (or spur) of the estate road to meet adjacent allocated land to the south (and moved units 1 and 2 westwards to accommodate this spur), and amended the elevations of the proposed dwellings. Additional information related to highways, drainage and flood risk has also been submitted.
- 5.2 Since the Sub-Committee meeting of 30/01/2020, the applicant has submitted further drawings, as well as information regarding financial viability and affordable housing.

#### **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 forms part of site allocation HS126 (formerly H712). HS126 relates to 2.07 hectares (gross and net), sets out an indicative housing capacity of 65 dwellings, and identifies the following constraints:
- Site is partly within a Conservation Area

### 6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP4 – Providing infrastructure  
LP5 – Masterplanning sites  
LP7 – Efficient and effective use of land and buildings  
LP9 – Supporting skilled and flexible communities and workforce  
LP11 – Housing mix and affordable housing  
LP20 – Sustainable travel  
LP21 – Highways and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP35 – Historic environment  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP50 – Sport and physical activity  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space  
LP65 – Housing allocations

#### Supplementary Planning Guidance / Documents:

### 6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019, to be modified following Cabinet resolution of 08/10/2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)

## Climate change

- 6.4 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

### National Planning Policy and Guidance:

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

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

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

- 6.7 Relevant national guidance and documents:

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

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised as a major development, a development within a conservation area, and a development that would affect a public right of way.

7.2 The application has been advertised via three site notices posted on 07/02/2018, an advertisement in the local press dated 02/02/2018, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 28/02/2018.

7.3 22 representations were initially received from occupants of neighbouring properties. The following is a summary of the points raised:

- Previous outline permission does not dictate that current application should be approved.
- Loss of green belt land.
- Brownfield sites should be developed instead. Other sites with permission should be developed first.
- Lack of affordable housing.
- Highway concerns. Unsafe to provide site entrance on busy road where speeds exceed 40mph. Visibility at site entrance would be limited by parked vehicles. Entrance would not be wide enough for a refuse vehicle. Thorough traffic audit of Gillroyd Lane has not been carried out. Impact on pedestrian safety. Danger to children attending nearby schools. Accidents have already occurred. Causeway Side is already dangerous. Damage to roads. Inadequate visitor parking. Lack of electric vehicle charging points. No vehicular access should be allowed onto Hillside View. Parking spaces adjacent to footpath should be relocated.
- Drainage concerns. Natural springs at bottom of site should not be built on. Increased flood risk. Site regularly floods. Adjacent properties have flooded. Drainage system shouldn't be provided in the middle of the site. Query as to how discharge can be limited to 5 litres per second. Query as to what happens in excessive rain. Attenuation tank will fill and overflow.
- Loss of light to neighbouring properties. Proposed trees would block light. Winter heating bills will increase.
- Loss of privacy. Trees and bushes could be removed from west end of site, resulting in loss of privacy.
- Loss of outlook. Adjacent residential property is single-aspect, with all windows facing the application site. Landscaping at east end of site will need to be managed, and boundary treatments should be designed, to avoid amenity impacts.
- Loss of views.
- Headlights will shine into neighbouring windows.
- Noise and disturbance. Disruption during construction work.
- Air quality impacts.
- Lack of open space. Loss of children's play space. Loss of dog walking area.
- Development does not cater for needs of disabled or elderly residents.
- Loss of wildlife. Habitats of endangered species would be destroyed. Site has significant ecological value. Query if applicant's recommendations regarding bird and bat boxes would be implemented. Bat survey not carried out at the right time of year.
- Loss of mature trees from middle of the site.
- Damage to planet. Increased carbon emissions due to children travelling to school. Development is contrary to Kirklees climate plan.

- Design concerns. Proposed dwellings are not in keeping with surroundings. Concern regarding urban layout. Special attention needs to be paid to height, massing, scale, design and materials. Objection to timber cladding, metal cladding and balconies. Concern regarding greater spread of development across the site. Objection to 3-storey dwellings.
- Harm to Linthwaite Conservation Area. Public benefit balance must be revisited. Viability concerns do not justify this harm. Conservation area would be hidden, not enhanced. Less development at east end of site would allow views of the conservation area from Gillroyd Lane.
- Harm to character of Linthwaite.
- Harm to surrounding area.
- Loss of existing dry stone walls. Wall on south side of public footpath should be rebuilt.
- Objection to quantum of development. Less development would be appropriate. Overcrowding and overpopulation. Cramming of site. Overdevelopment.
- Impact of Black Rock Mills development would be added to.
- Local infrastructure and amenities inadequate. Schools are full. Residents already experience long waits for doctor appointments. Area will experience more power cuts.
- Adjacent property will be damaged.

7.4 Amendments made to the proposals during the life of the current application necessitated reconsultation. Three further site notices were posted on 30/12/2019, a further press notice was published on 03/01/2020, and letters were again delivered to addresses adjacent to the application site and to those who had previously commented. The end date for publicity was 24/01/2020 (additional time was allowed as reconsultation letters were sent out shortly before Christmas).

7.5 24 further representations were received. These have been posted online. The following is a summary of the additional points raised:

- Reconsultation was badly timed over Christmas.
- Council should defer determination of the application.
- Previous concerns have not been taken into account.
- Applicant's verbal assurances do not match the proposals on plan regarding locations and sizes of buildings.
- Accept that houses will be built on the site.
- Outline proposal was more fair in terms of sharing amenities and outlook.
- Colne Valley has deteriorated and is now dirty, littered and polluted, with higher crime rates, violent attacks, car crime and burglaries. Cramming more people into developments exacerbates these problems.
- Unique and attractive villages are merging into each other.
- Character and appearance of conservation area would not be preserved or enhanced.
- Amended designs of dwellings are still not appropriate to Linthwaite. Quickly-built houses look cheap and nasty.



- Proposed dwellings would be higher than previously proposed, resulting in greater loss of natural light and warmth, views and outlook.
- Proposed dwellings would dominate the skyline. Cottage style of adjacent properties would not be reflected. Objection to metal cladding.
- Loss of public views from Gillroyd Lane and footpath.
- Proposed dwellings are too close to existing neighbouring properties. Query if this complies with the Building Regulations.
- Highways concerns have not been addressed. Speed limit on Gillroyd Lane could be reduced. Farm lanes are now rat runs. Colne Valley roadworks recently demonstrated that the valley can't handle any more congestion.
- Highways officers should reconsider comments.
- No residents of Linthwaite use bicycles.
- Several accidents have occurred on Gillroyd Lane near to Colne Valley High School and Ardron Junior School. Gillroyd Lane is already difficult for pedestrians to cross.
- At outline stage, Highways Development Management (HDM) officers admitted access to site was "borderline" due to poor visibility.
- Proposed site entrance inadequate for a further 42 houses to be built in the future (and a car population of 120).
- Noise caused by vehicles struggling up/down slope in low gears.
- Condition requested, preventing commercial vehicles, large vans and trucks from parking in visitor parking spaces.
- Residents would not be able to use the steep proposed estate road when iced over in winter.
- Drainage concerns have not been addressed. Applicant hasn't provided for exceedance events, blockage scenarios or flood risks associated with overland flows. Increased flood risk at The Ridgeways.
- Removal of trees and shrubs would increase inevitability of flooding.
- Natural springs exist at the site.
- Query as to how increasing rainfall (due to climate change) would be provided for.
- Photographs of waterlogged land and congestion on Gillroyd Lane submitted.
- There will soon be no green spaces left.
- Bats that roost locally would be disturbed. Site is home to foxes, Great Crested Newts, owls, jays and deer.
- Empty, abandoned and derelict properties should be converted instead.
- Affordable homes would be more appropriate in another part of the village.
- Local living conditions would be adversely affected for three years during works.
- Area lacks places for teenagers and young people to hang out.
- Developer has not proven that the site is sustainable in relation to highways, drainage, site layout, house design, utilities and services.
- Unclear how the remainder of the allocated site could be developed. Adjacent landowner unwilling to sell, therefore proposals for 19 units are unsustainable.

- Concern regarding 1,700 additional dwellings proposed in and around Linthwaite.
- Previous outline permission is no longer valid. Conditions of outline permission have not been discharged.
- Concern regarding how the land was purchased, and where that money has been spent.
- Financial gain of council tax should not outweigh concerns.
- Development will result in repair costs to the council.

7.6 Responses to the above comments are set out later in this report.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Revised proposals are acceptable. Applicant had previously demonstrated acceptable gradients (shown in longitudinal sections), dimensions of internal garages, forward visibility splays at bends in the proposed estate road, swept paths (showing a refuse vehicle can enter and exit onto Gillroyd Lane and turn within the site), 2m wide footways, and widened driveways. In the revised proposals, sufficient off-street parking is shown for the proposed additional unit. Regarding the access spur to the adjacent land to the south, 2.4m x 25m sight lines to the right (for vehicles exiting the spur) are shown – 20m is the stopping sight distance for a vehicle travelling at 20mph, which is considered acceptable at this location given the road alignment, traffic calming, and the close proximity of the junction with Gillroyd Lane. Gradients along the spur would be an acceptable 1 in 40. The horizontal alignment of the spur can be provided with acceptable forward visibility. The parking spaces proposed for unit 1 have been relocated to the opposite side of the spur, to provide improve visibility along the spur. The driveway to unit 2 has been redesigned to reduce potential conflict with vehicles at the junction of the spur and the estate road. Footways are proposed to both sides of the spur. Bin collection points are not shown, however this can be dealt with by condition. Conditions also recommended regarding visibility splays, internal adoptable roads, and retaining walls. Advice provided regarding highway works.

KC Lead Local Flood Authority – The applicant's proposed flow routing is acceptable, and a detailed flow routing plan can be secured by condition. This condition should be discharged after remediation works are carried out. Regarding the culvert, a watching brief is acceptable, subject to responsibilities being specified. Residents of the development would need to be made aware of the attenuation proposed beneath a private drive. Management and maintenance of the proposed drainage and attenuation would need to be secured.

### 8.2 Non-statutory:

KC Biodiversity Officer – No objection subject to conditions. The applicant's Preliminary Ecological Appraisal (PEA) indicates that the site supports predominantly habitats of site-level importance only. PEA's recommendations for ecological enhancement and mitigation are reasonable.

KC Conservation and Design – No objection. Land remodelling will in some respects alter the character of the Linthwaite Conservation Area. Proposed dwellings are 3-storey to allow for gradients, and would be of stone and slate – these aspects would not harm the setting or significance of the conservation area. Development of open land would cause less than substantial harm to the setting of the conservation area. This impact should have been assessed during Local Plan preparation and at outline stage. Proposed layout is a fair response to topographical constraints and would reduce harm. Use of traditional materials and landscaping would assist assimilation within the conservation area. NPPF paragraph 196 requires the harm to be balanced against the development's public benefits (in this case, provision of housing and the opportunity to deliver well-designed dwellings with appropriate landscaping). NPPF has been successfully addressed, as has Local Plan policy LP35, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with.

KC Education – No education contribution required.

KC Environmental Health – Accept applicant's contaminated land findings. Recommend conditions regarding site contamination and electric vehicle charging. Advice provided regarding construction noise.

KC Landscape – For a 17-unit scheme, on-site open space including a Local Area of Play required. With no on-site provision proposed, a £89,066 contribution towards off-site provision (amenity greenspace and children and young people's space) would be required. Money could be spent at Causeway Crescent, or at Fieldhead Recreation Ground. Larger contribution, including for a Locally Equipped Area of Play, would be required if the entire site allocation was assessed. Colne Valley ward is deficient in parks and recreation, natural and semi-natural greenspace and amenity greenspace. Further advice provided regarding bin storage, landscaping, lighting and treeplanting.

KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom affordable homes specifically for older people. Four of the 18 units should be affordable. Although there is significant need for 1- and 2-bedroom affordable homes in the area, 3-bedroom dwellings are welcomed. Affordable dwellings should be distributed evenly throughout the development (and not in clusters), and must be indistinguishable from market housing in terms of both quality and design. Kirklees works on a 55% social/affordable rent / 45% intermediate split – two social/affordable rent and two intermediate units would therefore be appropriate.

KC Street Lighting – The proposed access would affect the position of an existing street lighting column.

KC Trees – No objection. General principle of development is acceptable. Existing trees on site do not meet criteria for a new TPO to be served. Retention of trees along the western boundary is welcomed. Conditions recommended regarding landscaping and an Arboricultural Method Statement.

Peak and Northern Footpaths Society – Objection. Proposed development would adversely affect the amenity and public enjoyment of a public footpath. The footpath currently overlooks a green field with views of the Colne Valley below – this would be lost, and the path would be further urbanised and squeezed between two built-up areas.

West Yorkshire Police Crime Prevention Design Advisor – Details of boundary treatments required. These should provide privacy and security for dwellings abutting existing footpaths, and should maintain some surveillance of them. Detailed guidance provided regarding fencing, lighting, doors and windows.

Yorkshire Water – Recommend conditions requiring provision of separate systems of drainage for foul and surface water, and prohibiting location of buildings and other obstructions (including landscape features) over or within 3m either side of the public sewer. No objection to proposed sewer diversion, if agreed in accordance with Yorkshire Water. No objection to discharge of surface water to sewer at a maximum rate of 5l/s.

## **9.0 MAIN ISSUES**

- Land use, sustainability and principle of development
- Design and conservation
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

## **10.0 APPRAISAL**

### Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a wider site allocation (ref: HS126), to which full weight can be given.

- 10.4 The site is not designated as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, and was previously in agricultural use and designed as Provisional Open Land in the superseded Unitary Development Plan. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.
- 10.5 The 18 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.
- 10.6 The applicant's Supporting Planning Statement does not explain how the proposed development would help to address or combat climate change effects. Officers note, however, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points would be secured by condition, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.7 The application site is a sustainable location for residential development, as it is relatively accessible and is adjacent to an existing, established settlement that is served by public transport and other facilities.
- 10.8 This part of Linthwaite currently has pubs, a convenience store, churches, a cricket ground and Colne Valley High School, in addition to the many facilities available on Manchester Road, such that many of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.9 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

#### Design and conservation

- 10.10 Chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.
- 10.11 The application site is subject to constraints relevant to design and conservation, namely the Linthwaite Conservation Area which includes the site and much of the rest of Linthwaite. The site is visible from the opposite side of the Colne Valley (from, for example, Radcliffe Road and Sunny Bank Road). The nearest listed buildings are at 126 to 132 Gillroyd Lane and 257 and 259 Gillroyd Lane.

- 10.12 The council's character appraisal of the Linthwaite Conservation Area identifies the application site as land that traditionally would have enhanced the setting of the formal house (Rock House) to the north, and also notes the prevalence of natural stone and slate, and the common weavers' cottages and mill workers' cottages.
- 10.13 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Linthwaite Conservation Area.
- 10.14 Other constraints and considerations that affect site layout include topography and flood routing. The site's significant westwards downhill slope is particularly relevant and has resulted in the applicant's proposal for a serpentine estate road layout. The applicant has also advised that providing vehicular access to the site from Hillside View would not be possible, due to third party land at the terminus of that street, and Hillside View being unsuitable for additional traffic due to its gradients, width (the carriageway lacks central white line markings), bends, and on-street (and on-footway) parking.
- 10.15 Due to the application site's topography, some levelling will be necessary to enable the creation of development platforms and to the provision of acceptable gradients along the estate road. While developers would normally be expected to work with a site's existing topography, it is accepted that some reshaping of this site would be necessary to accommodate development. It is noted that the applicant does not intend to import material to the site, and proposes dwellings that respond to the site's slope (with two storeys on one elevation, three on the opposite elevation) to help reduce the need for levelling and retaining walls.
- 10.16 Combined public sewers run beneath the application site. These were identified as a significant constraint on layout at outline application stage – the indicative layout submitted with application ref: 2014/93289 showed dwellings arranged to avoid the sewers. Under the current proposals, however, these sewers would be diverted, enabling a more appropriate layout and more efficient use of land.
- 10.17 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least given that land immediately to the south of the application site is within the same site allocation. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.18 Paragraph 4.1.4 of the applicant's Supporting Planning Statement stated that "The road alignment ensures that access to the remaining POL/Housing allocation is not prejudiced". Officers were concerned, however, that the proposed development would prevent vehicular access to the adjacent, allocated land to the south, as an unadoptable private drive (above an attenuation tank) is proposed at the end of the new estate road, and the only

other options for accessing this land would have relied on the purchase and demolition of a house or houses on Gillroyd Lane, intrusion into the green belt, and/or access points where acceptable gradients could not be achieved.

- 10.19 To address these concerns, the applicant added an extension (or spur) to the proposed estate road (in front of units 1 and 2), to ensure land to the south can be accessed and developed in the future. The applicant has also agreed to not create a ransom strip scenario in the event that the adjacent land is brought forward for development, and an appropriate obligation (to be secured via a Section 106 agreement) is recommended. The council's Highway Development Management team have advised that the geometry and gradients of this spur are acceptable, and that the spur and the proposed site entrance on Gillroyd Lane can indeed accommodate the traffic of as many as 65 residential units.
- 10.20 An unadopted pedestrian access to the adjacent land can be provided over the private drive at the end of the new estate road.
- 10.21 The proposed 18 dwellings would be arranged around the new serpentine estate road. Most rear gardens of the new dwellings would back onto existing or proposed rear gardens, completing (or partly completing) perimeter blocks. Careful design of boundary treatments and defensive planting will be necessary where existing or proposed side and rear garden boundaries would be exposed to public access. Outdoor areas that are not proposed within garden curtilages would need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.22 Off-street car parking is proposed in front driveways, or in integral or attached garages. With appropriate landscaping, the proposed car parking would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.23 The proposed development's serpentine estate road would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds. These details would also need to address the LLFA's comments regarding flood routing around plots 12 to 15.
- 10.24 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.25 With 18 units proposed in a site of 0.77 hectares, a density of only 23 units per hectare would be achieved. It is noted, however, that the proposed number of units (18) is close to the number ("up to 20") for which outline planning permission has previously been granted. Furthermore, the site's constraints limit its developable area – space needs to be left undeveloped at the east end of the site where existing neighbouring properties are located close to the site boundary, and the amenities of existing dwellings to the west

of the site must similarly be protected. The proposed development must also take its cue (at least partly, in terms of quantum, density and layout) from existing adjacent development and the character and appearance of the Linthwaite Conservation Area, and it is noted that surrounding densities to the north are not high, with many residential properties having large gardens which provide space for soft landscaping that helps to enhance the conservation area. With all these matters taken into account, although the proposed density falls well short of the 35 units per hectare density specified (and applicable “where appropriate”) in Local Plan policy LP7, it is recommended that the proposed quantum of development, and its density, be accepted.

- 10.26 Six house types are proposed, all of which would present two or three storeys to the new estate road. Although 2-storey elevations predominate in this part of Linthwaite, the proposed 3-storey elevations are considered acceptable in the context of the 3-storey elevations that already exist nearby at Hillside View and elsewhere on the east slope of the Colne Valley. Conventional massing, roof forms and elevational treatments are proposed. The proposed elevations have been improved during the life of the application, and variations to house types have added interest to the proposed street scenes. Some of the proposed details, such as the small catslide roofs and areas of timber cladding, are not typically found in this part of Linthwaite, but are considered acceptable. Pitched roofs, front gables and windows with vertical emphases within window openings with horizontal emphases are proposed, and these details are considered acceptable
- 10.27 Regarding materials, section 9 of the applicant’s application forms indicates that slate roofs are proposed, while stone and timber is proposed for the walls. Natural stone and slate would be required for this site within the Linthwaite Conservation Area, and a condition requiring details and samples of these and other materials is recommended. No metal cladding is proposed.
- 10.28 The proposed perimeter block layout would reduce the prominence of rear garden fencing, which is welcomed, however in other locations careful design of boundary treatments would be necessary, given the site’s location in a conservation area, and its visibility. A condition requiring details of boundary treatments is recommended.
- 10.29 The applicant’s supporting Heritage Statement concludes that the proposed development (in its pre-amendment iteration) enhances the setting of listed buildings, the conservation area and views to and from the green belt. This is not accepted – elevational amendments to the proposed dwellings were considered necessary to ensure the development was more reflective of its context. Furthermore, development of this greenfield site in itself would be harmful to the setting of the conservation area, as it would occupy the land that traditionally would have enhanced the setting of the formal house (Rock House) to the north and would expand the settlement beyond its historic edges into the rural surroundings that help define the conservation area. These impacts, however, are limited by the fact that 20<sup>th</sup> century development already exists to the north and southwest, and the proposed layout and materials would further limit the proposed development’s impacts. Therefore, the harm caused would be less than substantial, and paragraph 196 of the NPPF requires this harm to be weighed against the proposed development’s public benefits. In this case, the provision of housing carries significant



weight, and outweighs the less than substantial harm caused by the development. It is further noted that assessments of the impact of development upon the conservation area were carried out during the preparation of the Local Plan (and its allocation of the site for residential development) and the consideration of the previous application for outline planning permission (ref: 2014/93289).

- 10.30 It is considered that the proposed development would not cause unacceptable harm to the significance of listed buildings.
- 10.31 In light of the above assessments, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35, would be sufficiently complied with. Paragraph 196 in particular would be appropriately addressed, and the proposed development is considered compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

#### Residential amenity and quality

- 10.32 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.
- 10.33 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.34 Regarding the heights and positions of the proposed dwellings, the proposed development is considered acceptable in aesthetic and amenity terms. Residents correctly note that some of the proposed dwellings would be approximately 1m and 1.5m taller than in their previous iteration under the current application (these changes are a result of amendments to the gradients of the proposed estate road, and improvements to elevations of dwellings), however assessments of the proposed dwellings should be based on what is currently proposed, rather than a comparison with what was previously proposed under the same application. Crucially, the proposed dwellings nearest to 164 to 172 Gillroyd Lane would still have 2-storey elevations facing those existing properties. 28.5m would be maintained between the front elevation of unit 1 and the west-facing elevation of 172 Gillroyd Lane (this distance has increased from 26.5m with the pushing of the spur and units 1 and 2 westwards in the most recent layout amendments), and 25.5m would be maintained between the front elevation of unit 5 and the nearest elevation of 168 Gillroyd Lane – it is considered that these distances would ensure adequate levels of amenity are maintained for residents of these neighbouring properties.

- 10.35 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 site's location on Gillroyd Lane (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently incompatible with existing surrounding uses.
- 10.36 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 The applicant proposes:
- 2x A1 house types (units 4 and 14) – 134.43sqm
  - 3x A2 house types (units 3, 5 and 13) – 134.43sqm
  - 1x B3 house type (unit 7) – 125.42sqm
  - 2x B4 house types (units 8 and 10) – 137.5sqm
  - 2x D house types (units 9 and 11) – 155.43sqm
  - 3x E house types (units 6, 12 and 15) – 158.59sqm
  - 1x F house type (unit 18) – 119.94sqm
  - 3x S1A house type (units 1, 16 and 17) – 117.8sqm
  - 1x S1B house type (unit 2) – 144.74sqm
- 10.39 All units would have three bedrooms. This is unfortunate, as a more varied unit size mix would have catered for a wider range of household sizes, would have helped create a mixed and balanced community, and would have helped to avoid visual monotony across the site. Furthermore, it is noted that Local Plan policy LP5e requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion (although specific proportions of unit sizes are not set out in the policy). While this aspect of the proposed development is a shortcoming that attracts negative weight in the balance of planning considerations, it is not recommended that planning permission be withheld on these grounds.
- 10.40 Although the Government's Nationally Described Space Standards (2015, updated 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. These standards set out a range of floorspace figures for 3-bedroom dwellings, from 84sqm (for a 3-bedroom, 4-person, 2-storey dwelling) to 108sqm (for a 3-bedroom, 6-person, 3-storey dwelling). The proposed dwellings would exceed these standards, which is welcomed.
- 10.41 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.

- 10.42 Most dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. No dwellings would have bedrooms on their entrance level, although several units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.43 All of the proposed dwellings would be provided with adequate private outdoor amenity space.
- 10.44 Regarding open space, it is accepted that on-site provision would not be suitable for this sloped site. A financial contribution would instead be required, based on what would be required for the entire allocated site, with the proposed 18-unit development's requirement apportioned accordingly.
- 10.45 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, furnishing, landscaping, boundary treatment and management. Details of the proposed pedestrian connection to the adjacent public footpath (including details of gradients, any handrails, and construction methods) would also be required.

#### Affordable housing

- 10.46 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.47 The 20% policy requirement would be equivalent to 3.6 affordable units, therefore this 18-unit development would normally necessitate the provision of four affordable units.
- 10.48 Earlier in the life of the current application, when 17 units were proposed, the applicant submitted financial viability evidence which stated that the proposed development could not provide any affordable housing or financial contributions related to Section 106 planning obligations. This evidence was reviewed by the council's viability consultant, Avison Young, who advised that the 17-unit scheme could, in fact provide one social rent dwelling (but no other contributions) and remain viable. The applicant then considered alternative affordable housing provision options, including the provision of additional affordable flats at the applicant's Marsden Fire Station site, however officers advised that the affordable housing required of the proposed development should be provided on-site.
- 10.49 With the increase in unit numbers from 17 to 18, the applicant agreed to provide three of the units as affordable homes. These would have been 3-bedroom semi-detached properties (Units 1, 16 and 17) located close to the northwest and southeast corners of the site, and would have been Discounted Market Sale (DMS) units, with freeholds sold at 80% of market value.

- 10.50 It was noted in the previous committee report that this proposal was not in accordance with the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate, however officers noted that there was some merit in the argument that DMS units enable already-local people to get on the property ladder in locations where options may be limited – it was accepted that providing housing of specific tenures can foster social sustainability by enabling existing residents to stay local and maintain community. Officers also note that DMS is indeed a form of affordable housing, and that the glossary of the National Planning Policy Framework confirms that DMS can be secured in perpetuity, so that it remains at a discount for future eligible households. Officers advised, therefore, that the applicant's proposed deviation from the council's preferred tenure mix therefore only attracted limited negative weight.
- 10.51 Within the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom homes specifically for older people. Notwithstanding these needs, KC Strategic Housing welcomed the provision of 3-bedroom affordable dwellings
- 10.52 The proposed locations of the three affordable housing units were considered acceptable, given the size of the site and the proposed development, and the proposal to provide the affordable units in two locations (rather than grouping them together). Although the proposed affordable provision included three of the development's four semi-detached units (while all other units would be detached), all units in the proposed development would have three bedrooms, and the same materials and similar detailing is proposed for all dwellings, which would have helped ensure that the three affordable units would not be visually distinguishable from the development's market units.
- 10.53 At the Huddersfield Sub-Committee meeting of 30/01/2020, Members deferred determination of the application, partly to allow for officers and the applicant to look at different options for utilising the allocated funds (in the Section 106 agreement) for the delivery of affordable housing. The applicant has provided further information regarding the values of the three DMS units, and of one social rent unit. This and other information is set out in an updated confidential paper relating to the viability of residential development at this site, prepared for Members to consider alongside this committee report.
- 10.54 Most recently, the applicant has agreed to the provision of four DMS units on-site, or a financial contribution (equivalent to the value of a single social rent unit) towards off-site provision.
- 10.55 Officers agree that a Registered Provider is unlikely to take on a single social rent unit at this site.
- 10.56 Given the council's preference for on-site provision of affordable housing, it is recommended that the four DMS units be accepted and secured via a Section 106 agreement. As noted above, DMS is recognised as a form of affordable housing, and a development of this size would normally be required to provide four affordable housing units, therefore the applicant's current (revised) offer of four DMS units renders the development policy-compliant in terms of numbers of affordable housing units.

## Highway and transportation issues

- 10.57 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.58 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.59 A single vehicular access point is proposed off Gillroyd Lane. In order to gain improved visibility at the proposed access and to comply with the relevant recommended standards for the recorded approach speed, it is proposed to realign the near kerb line of Gillroyd Lane and to widen the footway. This would reduce the carriageway width of Gillroyd Lane from approximately 8.5m to 7.75m. These works would enable the provision of 2.4m x 50m (to the south) and 2.4m x 41m (to the north) visibility splays at the site's entrance, which is considered acceptable.
- 10.60 As explained above, land to the south of the application site is within the same site allocation (HS126), and consideration of the adequacy of the proposed site entrance (which may, in the future, need to accommodate the traffic of as many as 65 residential units) is appropriate at this stage. This matter has been put to HDM officers, who have advised that the proposed junction (to be created by the new access point on Gillroyd Lane) would be adequate for the proposed 18 dwellings or the possible 65 dwellings. No objections on highways safety or capacity grounds have been raised by HDM officers, however a further, full assessment of these matters would be considered in light of whatever highway conditions applied at the time, as and when further planning applications (relating to the rest of site HS126) are submitted.
- 10.61 As regards residents' comments that access arrangements for the site were previously considered "borderline" at outline application stage, officers have been unable to find any such assessment in the previous committee report or HDM comments relating to this site.
- 10.62 The applicant's Transport Technical Note predicts trip generation of nine additional vehicle movements in the a.m. peak period (08:00 to 09:00) and nine additional vehicle movements in the p.m. peak period (17:00 to 18:00). This is not considered significant in the context of local highway capacity. The concerns of residents regarding existing congestion are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movement.

- 10.63 The applicant additionally predicts five pedestrian and two bus trips in the a.m. peak period, and three pedestrian and two bus trips in the p.m. peak period. This trip generation is considered low, and can be accommodated by the existing pedestrian and public transport infrastructure. Pedestrian infrastructure surrounding the site is generally good, with Gillroyd Lane having footways on both sides of the carriageway, and public footpath COL/69/30 providing an east-west pedestrian connection between Gillroyd Lane and Causeway Side. The proposed pedestrian connection between the development's estate road and this public footpath (and Hillside View) would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed. Concerns expressed by residents and the Peak and Northern Footpaths Society regarding impacts upon the public footpath are noted, and it is accepted that the setting of this footpath would change as a result of the proposed development, however this impact is not considered so great as to warrant refusal of planning permission. Appropriate adjacent boundary treatments, landscaping, and details of the pedestrian connection can be secured to ensure the usability of the footpath is maintained, and the amenity and attraction of the footpath is not significantly reduced.
- 10.64 In the previous committee report it was recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, and that Travel Plan monitoring fees would also need to be secured. However, having regard to paragraph 5.19 of the council's Highway Design Guide SPD, the proposed development is not of the size that would normally necessitate the submission of a Travel Plan, and it is therefore no longer recommended that this be secured via a Section 106 agreement. It is, however, still recommended that other measures to encourage the use of sustainable modes of transport be secured.
- 10.65 Regarding the proposed development's internal arrangements, the applicant's amended drawings have addressed the concerns of HDM officers, including those relating to the spur. Adequate 2.4m x 25m sight lines to the right (for vehicles exiting the spur) are now proposed (20m being the stopping sight distance for a vehicle travelling at 20mph, which is considered acceptable at this location given the road alignment, traffic calming (namely, the ramp proposed at the site entrance), and the close proximity of the junction with Gillroyd Lane). Gradients along the spur would be an acceptable 1 in 40. HDM officers have also advised that the horizontal alignment of the spur can be provided with acceptable forward visibility.
- 10.66 An existing lighting column directly outside the application site on Gillroyd Lane would need to be relocated.
- 10.67 Acceptable off-street parking is proposed for the proposed residential units in accordance with council's Highways Design Guide. Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition. It is not considered necessary to restrict the use of the proposed visitor parking spaces as suggested by residents, and such a condition is unlikely to be enforceable in any case.

- 10.68 The two parking spaces proposed for unit 1 would be located on the opposite side of the spur. Parking spaces should normally be provided within the curtilages of the units they serve, however the proposed arrangement (and residents of unit 1 having to cross the spur to access the spaces) is considered acceptable while allocated land to the south remains undeveloped. When proposals for that land come forward, the council would need to consider whether these two parking spaces would need to be provided within the adjoining land (directly to the south of unit 1, for example) to avoid residents of that dwelling having to cross the spur when it is trafficked.
- 10.69 A condition, requiring details of the surfacing and drainage of parking spaces, is recommended.
- 10.70 Storage space for three bins will be required for all dwellings. Further details of waste collection, including details of management to ensure any waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways. This would also consider the visual impact of waste storage arrangements within the development.

#### Flood risk and drainage issues

- 10.71 The site is within Flood Zone 1. The site slopes downhill from east to west. Just outside the southwest corner of the application site, within the rear gardens of residential properties in The Ridgeways, is a short stretch of culverted watercourse. Combined public sewers run beneath the application site.
- 10.72 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant. This recommends against infiltration as a means of disposal of surface water, and instead recommends that surface water flows from the site (post-development) be disposed of via the existing combined public sewer at an attenuated rate of 5 litres per second. Attenuation would be provided in the form of a hydraulic flow device (such as a Hydrobrake), meaning that stormwater storage would need to be provided on-site. An attenuation tank is shown on the applicant's drawings beneath the private drive at the terminus of the proposed estate road.
- 10.73 It is accepted that infiltration is not appropriate for this site. It is also noted that there is no known existing (and suitable) watercourse close to the site to which surface water could be discharged. The principle of disposing surface water to the combined sewers, therefore, is considered acceptable, however this will need to be attenuated to a rate agreed with Yorkshire Water, and the proposed attenuation tank, measuring 24m x 3.6m x 2.4m, is considered necessary. The earlier concerns expressed by the LLFA regarding the size of the tank are noted, however options for alternative on-site attenuation are limited due to the site's topography and the need to make effective use of land.

- 10.74 Further information was submitted by the applicant on 23/01/2020 regarding flood risk and drainage, in response to the comments of the LLFA of 14/01/2020. Those previous concerns of the LLFA have been adequately addressed, however a condition requiring further detail of flood routing is recommended.
- 10.75 Yorkshire Water (YW) initially objected to the lack of a 3m stand-off either side of the existing combined public sewers that run beneath the site, and to the proposed construction of dwellings above the sewers. The applicant, however, proposes the diversion of the sewers to a new alignment beneath the proposed estate road, enabling an appropriate stand-off. YW were reconsulted regarding the proposed increase in the number of units (to 18) and the applicant's additional information regarding sewer diversion. Council officers specifically asked YW whether 1) YW were agreeable to the applicant's proposed diversion of the existing combined public sewer that runs beneath the site, and 2) whether the applicant's proposed discharge rate (5 litres per second) to the combined public sewer was acceptable to YW. In response, YW advised on 28/01/2020 that, if planning permission is approved, conditions should be attached requiring surface water discharge to be limited to 5 litres per second, and no buildings or obstructions being located over the public sewer. With regard to the proposed diversion, YW advised:

*The submitted drawing E16/6781/001M, dated 22/01/2020 (prepared by Haigh Huddleston Associates) indicates a proposed diversion of the sewer crossing the site. Provided that this is agreed in accordance (with the provisions under Section 185, Water Industry Act 1991) with Yorkshire Water, we have no objections to the proposals.*

- 10.76 The applicant has referred to "an old plan" showing the line of a possible culverted watercourse that crosses the site, however trial holes dug on the site have not ascertained its location (or, indeed, whether it exists). As the applicant has not confirmed the depth of the trial holes, and as no transect has been dug, it is possible that further site investigation may reveal this culverted watercourse. The LLFA, however, has accepted that, instead of further investigation at application stage, a watching brief can be adopted. Should a culvert be found during excavations, a suitable management plan would then need to be developed and agreed with the LLFA. Although the preference would be to retain culverts in their current positions/alignments (which may necessitate a revision to the proposed development's layout, depending on where the culvert is found), diversion can be considered. A relevant condition is recommended.
- 10.77 At the Huddersfield Sub-Committee meeting of 30/01/2020, Members deferred determination of the application, partly to allow for further investigation of the proposed development's implications for off-site drainage. Further comments on this matter have not yet been provided by the LLFA (any further comments will be included in the committee update), however it is noted that surface water currently leaves the site via infiltration (and possibly overland flows at times when the land is saturated), whereas following completion of the proposed development surface water would be collected, attenuated, and directed to the combined sewers, such that there is likely to be a reduction in surface water reaching surrounding land from the application site. Effectively, the proposed development would result in currently-uncontrolled discharge being brought under control.



- 10.78 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.79 Foul water from the proposed development would discharge to the existing combined public sewer beneath the application site. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

#### Trees and ecological considerations

- 10.80 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is grassed. There are trees and shrubs along the edges of the site, and at its centre. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of the site bestows protection on trees, and trees outside the application site, to the northwest, are protected by Tree Preservation Orders 53/91/g1 and 53/91/g2. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a twice buffer zone covers the site.
- 10.81 The applicant has submitted a Preliminary Ecological Appraisal (PEA). This includes the details of a desktop study and the findings of a site survey carried out on 14/11/2017 (which included a survey of the site's use and potential use by bats). The PEA indicates that the site predominantly supports habitats of site-level importance only. The majority of the site's existing trees would be retained in the proposed layout, and there is scope for the planting of additional trees. The council's Biodiversity Officer has raised no objection to the proposed development, subject to conditions.
- 10.82 Regarding trees, it has already been established (at outline application stage) that the site's existing trees do not meet the criteria for a new TPO to be served. In general, the principle of development at this site is considered acceptable in relation to trees. The proposed retention of trees, where possible, along the site's western boundary is welcomed. These trees provide useful screening. The council's Arboricultural Officer has raised no objection to the proposed development, subject to conditions requiring the submission of an Arboricultural Method Statement and landscaping details. In addition, a condition requiring a Tree Protection Plan is recommended.

#### Environmental and public health

- 10.83 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to discourage high emission vehicle use and encourage modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.84 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

10.85 Regarding the social infrastructure currently provided and available in Linthwaite (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

#### Ground conditions

10.86 Regarding potential site contamination, the findings and recommendations of the applicant's contaminated land report are accepted. Conditions regarding site contamination remediation are recommended.

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

#### Representations

10.88 A total of 46 representations were received from occupants of neighbouring properties. The material planning considerations raised in the comments have been addressed in this report.

#### Planning obligations

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

- Affordable housing – Four affordable housing units (Discount Market Sale) to be provided in perpetuity.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport.
- Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent allocated land to the south without unreasonable hindrance.

10.90 Of note, the applicant has provided evidence demonstrating that site constraints and related costs would adversely affect the financial viability of residential development at this site. Despite this evidence, the applicant now proposes the provision of four affordable housing (DMS) units. It is recommended that a financial contribution towards open space cannot reasonably be required in light of the applicant's affordable housing offer and viability evidence.

10.91 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

#### Other planning matters

10.92 A condition removing permitted development rights from the proposed dwellings is recommended. This is considered necessary due to the site's location within Linthwaite Conservation Area, and its visibility from the opposite side of the Colne Valley. Extensions, outbuildings and other alterations under permitted development allowances here could be harmful to the significance of this heritage asset, and could cause visual harm in longer views across the valley.

10.93 Loss of views across private land (not under the control of the viewer) is not a material planning consideration.

10.94 There is no evidence to suggest the proposed development would result in more frequent power cuts.

10.95 The risk of construction-stage damage to adjacent properties is not a material planning consideration.

10.96 The proposed development's compliance (or otherwise) with the Building Regulations is not a material planning consideration.

10.97 Residents' concerns regarding how the application site was purchased, and where the proceeds were spent, are not material planning considerations.

10.98 A resident has expressed concern regarding headlights (of vehicles moving around the proposed development) shining into their properties. This is acknowledged as a potential impact (and, therefore, attracts some negative weight), however the impact would be momentary, it would only happen when vehicles are moved during dark hours, and it is therefore not considered so problematic as to warrant refusal of permission. Headlights momentarily shining on a property opposite a street entrance in this way is not an uncommon occurrence.

10.99 The applicant has applied for full planning permission, and has not submitted a Reserved Matters application pursuant to the previous outline planning permission. The validity of the outline permission, and the fact that outline conditions have not been discharged, is therefore not relevant to the consideration of the current application.

## **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development under site allocation HS126, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), the Linthwaite Conservation Area, topography, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage, although some aspects of the proposed development attract negative weight in the balance of planning considerations. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
4. Provision of visibility splays.
5. Submission of details relating to internal adoptable roads.
6. Submission of details of surfacing and drainage of parking spaces.
7. Cycle parking provision prior to occupation.
8. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
9. Provision of waste storage and collection.
10. Provision of details of retaining walls.
11. Submission of an Arboricultural Method Statement and Tree Protection Plan.
12. Culverted watercourse watching brief.
13. Submission of flood risk and drainage details, including details of flow routing.

14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
15. Submission of an intrusive site investigation report (phase II report).
16. Submission of a remediation strategy.
17. Submission of a validation report.
18. Crime prevention measures.
19. External materials (details and samples to be submitted).
20. Boundary treatments.
21. External lighting.
22. Full landscaping scheme.
23. Biodiversity enhancement and net gain.
24. Removal of permitted development rights for extensions and outbuildings.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90208>

Certificate of Ownership – Certificate A signed