
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Jun-2020

Subject: Planning Application 2019/91569 Erection of 31 dwellings Land southeast of Abbey Road North, Shepley, Huddersfield, HD8 8FG

APPLICANT

Stewart Brown, Yorkshire
Country Properties

DATE VALID

10-May-2019

TARGET DATE

09-Aug-2019

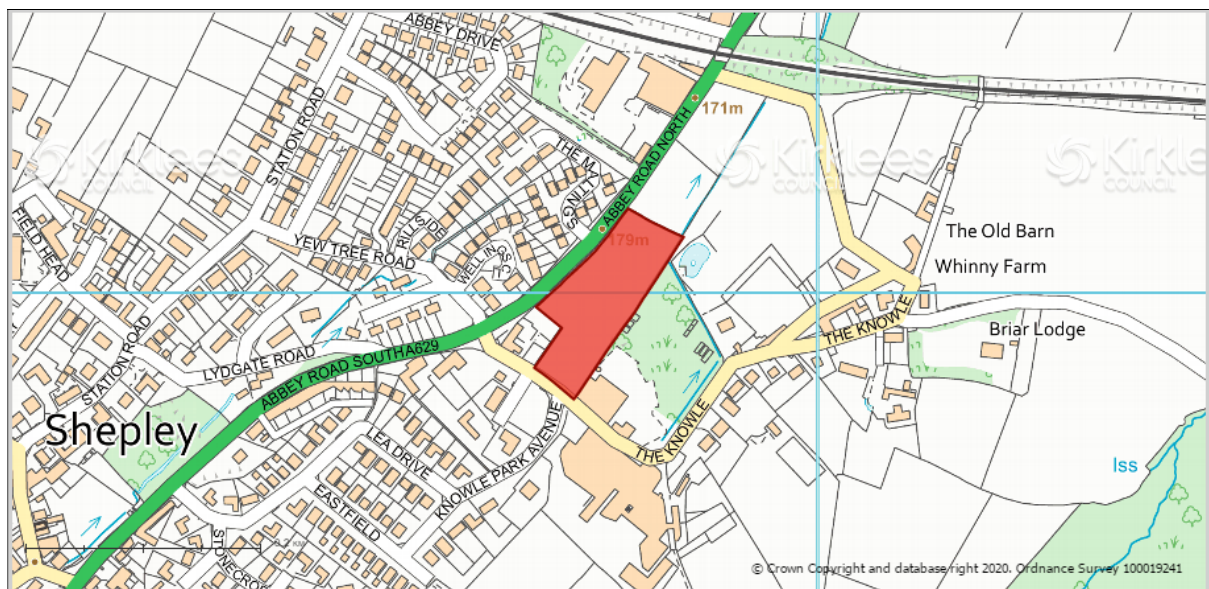
EXTENSION EXPIRY DATE

22-May-2020

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

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or Private: Public

RECOMMENDATION:

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

- 1) Affordable housing – Six affordable housing units (1-bedroom starter homes) to be provided in perpetuity.
- 2) Education – £31,027 contribution, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £38,515.50 financial contribution, and a contribution towards Travel Plan monitoring payable in the event that development comes forward at the adjacent land (within allocated site HS203) such that a Travel Plan is required.
- 4) Open space – £48,392 contribution towards off-site provision, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 5) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 6) 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).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance. Developer to retain ownership of part of the open space and part of the front garden of unit 7, and to allow provision of a vehicular connection through to land to the north as and when that land is developed. Following provision of this vehicle connection, developer to close vehicular access point between units 1 and 31, and make good.
- 8) Masterplanning – All affordable housing units to be provided, and no more than 85% of the private sale units to be sold, until full planning permission is secured for development of the majority of allocated site HS203 in accordance with a masterplan that includes provision for an internal vehicular connection to the current application site.

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 31 dwellings.
- 1.2 The application would normally have been presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size. Meetings of that committee (to which this application could have been presented) were, however, cancelled due to Coronavirus Covid-19.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.9 hectares in size and is located to the southeast of Abbey Road North (the A629). The site has a street frontage to The Knowle to the south and abuts the partly-wooded Eastfield Mills site (currently in employment use) to the southeast. Residential uses exist to the south and west. Land to the north has previously been in agricultural use. The application site itself has also previously been in agricultural use, along with some informal use for ball sports.
- 2.2 The application site generally slopes downhill from south (approximately 188m AOD) to north (approximately 178m AOD).
- 2.3 The site is not within a conservation area and there are no designated heritage assets within or adjacent to the site. The nearest listed building is a 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed.
- 2.4 There are no significant or TPO-protected trees within the application site, however trees in the adjacent Eastfield Mills site are the subject of TPO 06/82/a3. Some of these trees overhang the site boundary. A Twite buffer zone covers most of the site. All of the site is within an SSSI Impact Risk Zone.
- 2.5 Most of the application site is within a Development Low Risk Area as defined by the Coal Authority. A small part of the site (its northeast corner) is within a Development High Risk Area. The 250m buffer zone of a historic landfill site (at The Knowle) covers part of the site.
- 2.6 No public rights of way cross the application site.
- 2.7 A watercourse exists close to the northeast corner of the application site, and a highway drain runs beneath the footway of Abbey Road North. Most of the application site is within a source protection zone relating to water extraction.
- 2.8 The application site is part of a larger site allocated for residential development in the Local Plan (site allocation HS203). The adjacent Eastfield Mills site is also allocated for residential development (site allocation HS197).

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 31 dwellings.

- 3.2 A single vehicular entrance to the site is proposed off Abbey Road North, from which a new estate road would extend northeastwards and southwestwards. The southern part of the estate road would have hard margins, whereas the northern part would have footways. A pedestrian connection is proposed between the southern end of the estate road and The Knowle.
- 3.3 Dwellings would be arranged around the new estate road. 12 terraced, six semi-detached and 13 detached dwellings are proposed. All dwellings would be two storeys in height (some with attic rooms) and would have pitched roofs. Six house types are proposed, with variations of some of those house types also illustrated in the applicant's submission. Six of the 31 units would have one bedroom, 20 would have three bedrooms, four would have four bedrooms, and one would have five bedrooms.
- 3.4 In relation to affordable housing, the applicant has proposed to the provision of six units on-site (units 19 to 24) as starter homes. These would comprise terrace of six 1-bedroom units at the south end of the site.
- 3.5 All dwellings would have off-street parking, provided in driveways and garages. Eight visitor parking spaces are proposed.
- 3.6 A publicly-accessible open space (421sqm in size) is proposed at the north corner of the site, through which a pedestrian connection between the new estate road and Abbey Road North is proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Relating to southern part of the application site:

2003/93096 – Application for outline planning permission for erection of two detached dwellings. Withdrawn.

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

- 5.1 No pre-application advice was requested from the council by the applicant.
- 5.2 As set out in the submitted Design and Access Statement, in April 2019 the applicant provided local residents with a mailshot containing a letter of introduction and explanation of proposals for part of the allocated site. This included a satellite image with a red line boundary identifying the parcel of land under consideration, and an early sketched scheme. The letter provided contact details for the applicant. Details of responses from local residents have not been summarised in the application submission, however the applicant has separately confirmed that a response was received from one local resident, who did not object to the proposals.
- 5.3 During the life of the current application, and in response to officer advice regarding the masterplanning of the allocated site, the applicant negotiated with adjacent landowners and prepared an indicative masterplan for the majority of the allocated site. Amended layouts for the application site were also submitted. The applicant met with officers to discuss masterplanning, drainage, tree impacts and other planning matters relevant to the application. Additional information relating to unit sizes, climate change and sustainability, drainage, parking and open space was submitted.

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 application site is part of a larger site allocated for residential development in the Local Plan (site allocation HS203). HS203 relates to 3.54 hectares (gross) / 2.61 hectares (net, excluding a since-removed pond, protected trees, existing development and a watercourse from the developable area), sets out an indicative housing capacity of 91 dwellings, and identifies the following constraints:

- The provision of a wider pedestrian footway is required across the site frontage
- Within a Source Protection Zone
- Surface water issues
- Noise source near site – railway noise and noise from industrial uses
- Part of this site lies within a UK BAP priority habitat
- Part/all of the site is within a High- Risk Coal Referral Area
- Protected trees on part of the site

6.3 The site allocation also identifies the following other site-specific consideration:

- Pond to be retained (UK BAP priority habitat)

6.4 Of note, not all of the above constraints and considerations apply to the application site.

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- 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:

6.6 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)
- Highway Design Guide (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:

6.7 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 17 – Facilitating the sustainable use of materials.

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

6.9 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.

7.2 The application has been advertised via three site notices posted on 23/05/2019, an advertisement in the local press dated 31/05/2019, 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 this initial publicity was 21/06/2019.

7.3 Four representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the points raised:

- Reluctantly accept that greenfield site will be developed.
- No objection to principle of development.
- Proposed number of houses is excessive for this site.
- Welcome proposed on-site open space.
- Nearest proper play area (near Shepley First School) needs modernising and enlarging. Developer should contribute to improving this facility.
- Support proposed intermediate housing (six 1-bedroom houses) which will hopefully help local young people (who might otherwise have to move from the area) find affordable accommodation and continue to live in the area.
- If permission is granted, council should resist any attempt to scale down or remove proposed affordable housing provision on viability grounds.
- Welcome the mixed nature of the development.
- Overall layout and house design would be a good fit and compatible with this village location.
- Pleased that vehicular access would be restricted to the main road.

- Welcome proposed footpaths into site. Footpath link to The Knowle is understandable.
- Units 19 to 24 should not have individual pedestrian access to The Knowle, which is narrow here, has no footway on this side, and has substantial traffic (including heavy articulated vehicles). It would be safer for pedestrians from units 19 to 24 to use the footpath link, which should be the sole pedestrian access onto The Knowle.
- Concern regarding proposed car parking. Many 3-bedroom houses are proposed, and with many young adults living at home for longer, many households will have three or four cars. 1-bedroom homes may have two cars. There appears to be little spare parking, particularly in the south of the site around plots 16 to 28. This may result in parking on The Knowle (which is restricted) and Knowle Park Avenue which at times is used by visitors to the two commercial properties and by walkers of the Kirklees Way. More parking provision needed within site boundary.
- Forcing residents and visitors to park on Abbey Road North would increase risk of accidents. Abbey Road North carries heavy traffic. Nearby junction of Yew Tree Road has poor visibility.

7.4 An adjacent landowner has been in contact with the case officer to discuss masterplanning of the wider allocated site, and to ensure that the future development of his land is not prejudiced by the current proposals.

7.5 Cllr Armer, Cllr Richard Smith and Cllr John Taylor made the following comments during the life of the application:

- Queried why a single application hasn't been brought forward for the entire site allocation, and whether separate applications would be an attempt to reduce Section 106 liabilities, avoid affordable housing provision, or avoid determination by the Strategic Planning Committee.
- Requested sight of a masterplan for the entire site allocation.
- Masterplan should provide vehicular route from The Knowle to Abbey Road North, so residents can avoid the part of The Knowle used by HGVs accessing Shepley Spring, and lane further to the north next to the viaduct (which has poor visibility) could then be closed off.
- Welcome pedestrian route proposed through the application site, as this would provide a safer route for schoolchildren. This, however, may necessitate a zebra (or other) crossing at The Knowle.
- Existing dry stone wall along Abbey Road North should be retained, with the new access suitably keyed into it.
- Nearby footpath could be improved. This would be preferable to bus stop improvements. A litter bin at this location would also be helpful.
- If any contribution towards travel passes is to be secured, the use of rail travel should be promoted. Site is ideally suited to commuting by train, and a contribution towards improvements for local train travel should be provided.
- Queried how the open space and biodiversity contributions would be spent, and whether this would be spent on the woodland behind Eastfield Mills.
- Queried if open space contribution can be spent on playspace at Firth Mill site further to the north, along with contribution from other development.
- Queried what other developer contributions would be secured in connection with the proposed development.

- Management company (responsible for open spaces etc) should be secured in perpetuity.

7.6 Cllr John Taylor additionally objected to the application being determined using the Chief Executive's emergency powers, and stated that the application should not be approved until an acceptable masterplan for the entire HS203 site is submitted.

7.7 Kirkburton Parish Council – Concerns regarding the ownership of this site and also the site relating to application ref: 2019/91638. This site is currently bounded by a dry stone wall on Abbey Road North – this is a feature that should be retained, with the access suitably keyed into the existing wall, which would help to maintain a safe route to school for the young children attending Shepley First School.

7.8 Amendments made to the proposals during the life of the current application, and additional information submitted by the applicant, did not necessitate reconsultation.

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Anticipated 23 morning peak and 26 evening peak two-way traffic movements (measured at robust 0.75 and 0.83 trip generation rates) can easily be accommodated by the existing highway network. Swept path analysis of an 11.85m refuse wagon is provided in Appendix C of the Transport Statement. Visibility splays from the proposed new access of 2.4m x 120m to the left and 2.4m x 160m to the right onto Abbey Road are demonstrated and are deemed acceptable.

Applicant should bring information in the Transport Statement up to date – despite being dated May 2019, some of the information appears to be out-of-date including the bus times and the speed limit on Abbey Road. Although this would be unlikely to have a bearing on the suitability of the design, up-to-date information would still be preferred.

Proposed parking (including eight visitor parking spaces) is acceptable. Swept-path analysis of an 11.85m refuse wagon accessing and exiting the site shows the proposed on-street visitor parking space can be accommodated.

Details of bin storage and collection are needed.

West Yorkshire Combined Authority have requested contributions totalling £38,515.50 to promote sustainable travel initiatives and to upgrade nearby bus stops. Although Highways Development Management would not normally request a contribution to a Travel Plan for a scheme of less than 50 dwellings, as this site constitutes part of a large housing allocation, a percentage contribution to the £15,000 total cost should be sought.

Conditions recommended regarding draining and surfacing of areas to be used by vehicles and pedestrians, details of internal adoptable roads, construction traffic and highways structures.

KC Lead Local Flood Authority – No objection, subject to conditions requiring details of soakaways and a detailed scheme of foul, surface water and land drainage. If soakaways are not feasible, the alternative discharge will be into the watercourse.

Coal Authority – No objection. Coal Mining Risk Assessment not required.

8.2 **Non-statutory:**

KC Biodiversity Officer – No objection, subject to conditions requiring a Landscape and Ecological Management Plan, a lighting design strategy, and control over times trees, hedgerows etc can be removed. Applicant's Ecological Impact Assessment has identified likely negative impacts and suggests mitigation. The recommended conditions would secure this mitigation. The condition requiring a Landscape and Ecological Management Plan may require details to be included in a Section 106 agreement.

KC Education – £31,027 education contribution required.

KC Environmental Health – Findings of applicant's Phase 1 contaminated land report are accepted. Conditions relating to site investigation, remediation and validation recommended. Contents of applicant's noise report are accepted. Condition recommended, requiring details and implementation of a sound insulation scheme. Condition recommended regarding dust suppression. Electric vehicle charging points required. Advice provided regarding construction noise.

KC Landscape – £48,392 contribution towards off-site open space provision required (taking into account 421sqm proposed on-site). Development triggers the need for a Local Area of Play (LAP) for the children and young people's element of open space, however if over 100 dwellings are proposed in the wider development, a Local Equipped Area of Play (LEAP) would be required. Proposed open space should not be the only such space on the site – it forms a good greenspace along the footpath, but does not provide the best opportunities for the users of open space for this new development or the community in terms of size, location, accessibility or usability. A larger area of open space more central to the wider site allocation would be preferable, although this may be difficult to realise. TPO-protected woodland in the adjacent site could be included in the open space, and this is a suitably central location for the open space. Proposed layout is not designed well for refuse vehicles, whereas a road layout in the wider allocation could provide a circuitous route minimising the need for reversing. Further detailed advice provided regarding landscaping.

KC Planning Policy – Principle of development on the site for residential is accepted, as the site is allocated for housing development in the Local Plan. The site is part of a wider housing allocation, and it should be planned comprehensively in conjunction with neighbouring parts of the housing allocation, in accordance with policy LP5. Further detailed advice provided regarding other relevant policies.

KC Trees – No objection in principle, however some dwellings would be too close to adjacent protected trees. These dwellings would have little usable outside amenity space that is not dominated by the protected trees, and there would be long-term conflicts between future occupants and the protected trees, through applications to fell or excessively prune, as a result of shading, leaf litter, falling debris etc.

West Yorkshire Police Designing Out Crime Officer – Support proposal in principle. Specific advice provided regarding proposed windows, fences and lighting. General advice provided regarding footpaths, boundary treatments, open space, planting, lighting, doors, windows, parking, CCTV and alarms.

Yorkshire Water – Applicant's Flood Risk Assessment is acceptable. Conditions recommended requiring separate systems of foul and surface water drainage, and provision of satisfactory outfall for surface water. Further advice provided regarding sewer connections.

9.0 MAIN ISSUES

- Land use and principle of development
- Climate change and sustainability
- Urban design issues
- 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 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 Full weight can be given to site allocation HS203, which covers the application site and other land to the north and northeast, and which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development

needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H652) stated:

“...site H652 mainly comprises a series of open fields, but is contained by development on three sides, and by a railway line and strong field boundaries to the north. As such its relationship with the open countryside is limited. In this context, and having regard to the sustainability of the location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of [this site] from the Green Belt”.

10.4 Given the above, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.

10.5 The 31 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.

Climate change and sustainability

10.6 The applicant's Design and Access Statement briefly refers to relevant planning policies that mention sustainability, but does not explain how the proposed development would help to address or combat climate change effects. In response to an officer request, the applicant provided the following further information in relation to climate change and sustainability:

- *The site is orientated along the northeast/southwest axis. Of the 31 proposed units 27 of them (87%) have a south/southeast or south/southwest orientation to the rear to benefit from solar gain and maximum sunlight.*
- *Garages are 6m x 3m allowing for cycle storage.*
- *The wall and roof finishes will be in natural materials which are to be sourced locally.*
- *Other materials will be locally sourced where possible. This will apply mainly to generic and natural materials.*
- *The buildings will be designed to achieve excellent air tightness and use low U-value materials which will reduce heat loss and require less energy to heat the home.*
- *Good design and workmanship will lead to reduced thermal bridging. Thermal bridging can have a detrimental effect on the thermal efficiency of a building.*
- *Any recyclable materials will be properly dealt with on site to reduce waste being sent to landfill.*
- *Take-back schemes will reduce waste materials on site and reduce the requirement of landfills. These materials can then be recycled back into the production process making normally unsustainable materials more sustainable.*
- *Concrete will be used, however this provides dwellings with a source of heating energy through its thermal mass, reducing the energy input from the heating source.*
- *Surface water drainage will be attenuated on site making no greater demand on the existing mains drainage system.*

- 10.7 Some positive weight can be attached to the above information, although this weight is limited by the fact that some of the proposed measures don't go further than the requirements of the Building Regulations and/or could not be secured through the council's decision on the current planning application. Furthermore, the applicant has not provided figures for the amount of energy, water and materials that would be saved, nor confirmed how energy-efficient or close to zero carbon the development would be.
- 10.8 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.
- 10.9 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.
- 10.10 Shepley currently has a convenience shop, a pub, a library, a post office, a health centre, a primary school, places of worship and other facilities, 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.
- 10.11 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design issues

- 10.12 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to urban design, as is the National Design Guide.
- 10.13 The application site is subject to constraints relevant to design. The site is highly visible from Shepley's main road, and also from The Knowle. The visibility of the site from public vantagepoints is further enabled and enhanced by its topography (the above-mentioned gentle uphill (southwards) slope) and the low dry stone wall that encloses it. Adjacent protected trees, the amenities of existing neighbouring residents, drainage and adjacent allocated land (and the need for a masterplanned approach to the wider allocated site) are also factors and constraints that will (or should) influence the design of any development at this site.
- 10.14 The Local Plan Inspector in her report of 30/01/2019 noted that the wider allocated site is contained by development on three sides, and by a railway line and strong field boundaries to the north, and as such its relationship with the open countryside is limited. Although the application site does not extend as far north as the railway line, it still has a degree of enclosure and containment from the open countryside beyond Shepley, it is located at the edge of the settlement's main built-up area, and development of this site would not significantly erode important green spacing between settlements or result in

unacceptable sprawl. Although the proposed development would inevitably bring about change to the landscape and character of this part of Shepley, it is considered that the site can be developed without causing significant landscape harm.

- 10.15 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least given that land immediately to the north and northeast of the application site is within the same site allocation, and adjacent land to the southeast is also allocated for residential development. 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.
- 10.16 A masterplanning approach has been applied by officers when assessing the proposed development. Ideally, a single application would have been submitted for the entire allocated site (and, if possible, for the adjacent allocation site ref: HS197), however it must be noted that policy LP5 in some cases will need to be applied flexibly where allocated sites are in fragmented ownership, where different landowners and developers may be working to different timeframes, and where acceptable (yet separately-designed) schemes are (or could be) brought forward in accordance with an indicative masterplan. In this particular case, the council cannot reasonably insist that the various parts of the allocated site be developed simultaneously by the same developer, however, co-ordinated, complimentary development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the allocated site, is considered essential.
- 10.17 The applicant has responded positively to the requirements of Local Plan policy LP5, and has entered into negotiations with the other owners of land within site allocation HS203. The applicant has prepared an indicative masterplan of the majority of the allocated site which illustrates how the wider development could be accessed from a single vehicular entrance off Abbey Road North. The indicative masterplan also allows for later development of the small part of the allocated site which one of the landowners is currently not willing to release. Crucially, in relation to the current application, the indicative masterplan confirms that the current 31-unit scheme can form an integrated part of the wider development, and can be built so that it does not sterilise or otherwise compromise any other part of the allocated site.
- 10.18 The applicant intends to submit a planning application relating to most of the other land (outside the current application site) within the allocated site later this year, but has requested that the current application be determined in the meantime. Provision has been made in the current proposals for a future vehicular connection to the north (through part of the open space and part of the front garden of unit 7), and the applicant is willing to include planning obligations in a Section 106 agreement to ensure that the creation of this vehicular connection would not be unreasonably hindered. The applicant also intends to remove the currently-proposed access point (between units 1 and 31) once that vehicular connection to the north is created, meaning that the wider development would ultimately be served by a single vehicular access point located further to the north along Abbey Road North. In light of the need

to ensure that comprehensive development is delivered at the allocated site, the applicant has also suggested restricting the sale of a certain number of units within the current 31-unit scheme until meaningful progress is made on development of the rest of the allocated site – this proposal is considered appropriate, and is included in the recommended Section 106 Heads of Terms.

- 10.19 The above approach, and the recommended Section 106 provisions, are considered acceptable, as determination of the current application would enable earlier delivery of homes (in the early life/middle of the Local Plan period), the currently-proposed vehicular access point is acceptable in terms of highway safety, and the current proposals would integrate well with the development that is likely to come forward at the adjacent land. The applicant has additionally stated that prompt determination of the current application would enable the applicant to bring forward development of the adjacent land sooner.
- 10.20 The application red line boundary for the later phase would need to include part of the current application site (namely, the above-mentioned parts of the open space and front garden of unit 7, and the space between units 1 and 31 where a vehicular access point is currently proposed). The small loss of open space (from the current application site) caused by the later provision of the vehicular connection would need to be addressed through on-site provision in the later phase, or through an off-site contribution secured through a Section 106 agreement. Should any visitor parking spaces be lost as a result of the later provision of the vehicular connection, these would also need to be reprovided in the later phase.
- 10.21 For the 31-unit scheme currently before the council, an acceptable layout has been proposed. Although the layout would necessitate the reversing of refuse collection vehicles, some such reversing would be inevitable in any acceptable layout here, due to the size and shape of this part of the allocated site, and due to the problems that a vehicular connection to The Knowle at this point would create. The proposed layout is legible, and includes pedestrian connections between Abbey Road North and The Knowle, via the new estate road. This proposed pedestrian connection accords with Local Plan policies LP20, LP24dii and LP47e, and would provide a convenient route (away from the traffic of Abbey Road North) for residents of Knowle Park Avenue (and other streets) moving to and from Shepley railway station via the existing footpath between Abbey Road North and Abbey Drive.
- 10.22 Units 25 to 31 would essentially complete a perimeter block with the existing dwellings at 167c to 169 Abbey Road North, thus avoiding exposure of vulnerable rear garden boundary treatments to public access. Elsewhere, rear gardens would abut land that is not easily accessible, however in locations where rear and side boundaries would abut areas of public realm there would be opportunities for defensive planting and natural surveillance. 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. This consideration applies to the proposed open space, and to the small landscaped area behind the garages of units 29 to 31 and the planted area northeast of unit 19. A condition related to crime and anti-social behaviour prevention measures is recommended.

- 10.23 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. Site allocation HS203 sets out an indicative housing capacity of 91 dwellings within a developable (net) area of 2.61 hectares.
- 10.24 With 31 units proposed in a site of 0.9 hectares, a density of 34 units per hectare would be achieved. This is considered sufficiently close to the 35 units per hectare density specified (and applicable “where appropriate”) in Local Plan policy LP7, and efficient use of the site would be achieved. It is recommended that the proposed quantum of development, and its density, be accepted.
- 10.25 The application site’s topography would not necessitate significant changes in levels to enable the provision of access into the site, usable gardens and acceptable gradients for the development’s adoptable highways. This is welcome, as developers are normally expected to work with a site’s existing topography, rather than radically reshape it.
- 10.26 The proposed development’s estate road layout 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.
- 10.27 The proposed dwellings would respond reasonably well to Abbey Road North, which is the most important area of public realm that these dwellings would abut. Units 29 to 31 would face this road and would have garden gates at the back of its footway. Unit 5 would have side dining room and kitchen windows facing the road. The six 1-bedroom units at the south end of the site would have garden gates accessed from The Knowle.
- 10.28 Off-street car parking is proposed in front and side driveways, and 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.
- 10.29 Six house types are proposed, and variations to some of those house types are also illustrated in the applicant’s submission. 12 terraced, six semi-detached and 13 detached dwellings are proposed. All dwellings would be two storeys in height (some with attic rooms). The proposed mix of unit types and sizes, and the proposed two storeys, would be suitably reflective of existing development nearby and typically found in settlements in southern Kirklees. Conventional massing, roof forms and elevational treatments are proposed. The number of, and variations to, house types would add interest to the proposed street scenes. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed, and these details are considered acceptable.
- 10.30 Acceptable materials (natural stone, slate, uPVC and glass-reinforced polyester) are proposed, however a condition requiring details and samples of all external materials is recommended.

- 10.31 Although some information has been submitted by the applicant, a condition requiring the submission of full details of all boundary treatments is recommended. The use of 1.8m timber fencing in locations visible from the public realm would not be considered acceptable. The reuse of stone from the existing, attractive dry stone walls that enclose the site would be required. Of note, the existing, attractive dry stone wall along Abbey Road North would need to be rebuilt along a new alignment to allow for widening of the footway to 2m in accordance with the requirements of site allocation HS203, and to accommodate the required visibility splays.
- 10.32 The application site does not have a direct relationship with the nearest listed building (the 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed) and does not form a significant part of its setting. It is considered that the proposed development would not cause unacceptable harm to the significance of listed buildings.
- 10.33 In light of the above assessments, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.34 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.
- 10.35 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.
- 10.36 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, the location of the proposed site entrance, and the site's location on the relatively busy Abbey Road North, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently incompatible with existing surrounding uses.
- 10.37 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures and temporary drainage arrangements would need to be included in the C(E)MP, as would arrangements relating to construction traffic (as requested by Highways Development Management officers). An informative regarding hours of noisy construction work is recommended.
- 10.38 The quality of the proposed residential accommodation is also a material planning consideration.

- 10.39 Six of the 31 units would have one bedroom, 20 would have three bedrooms, four would have four bedrooms, and one would have five bedrooms. This is considered to be a sufficiently varied mix of unit sizes that would cater for a range of household sizes, would help create a mixed and balanced community, and would help to avoid visual monotony across the site. 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, and this policy requirement would be complied with.
- 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. The applicant's schedule of accommodation confirms that most of the proposed dwellings would comply with these standards.
- 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 All 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 A publicly-accessible open space (421sqm in size) is proposed at the north corner of the site, through which a pedestrian connection between the new estate road and Abbey Road North is proposed. This space would be of some amenity value, although this is not considered to be the best location for open space within the wider allocated site, and a more central, consolidated space (possible including the protected woodland in the adjacent site) would be preferable. Nevertheless, the proposed open space can be counted towards the development's on-site provision (whereas other, incidental landscaped spaces should not). In light of the applicant's confirmation that the development's main open space would be 421sqm in size, a contribution of £48,392 would be required to make up a shortfall in on-site provision in accordance with Local Plan policy LP63.
- 10.45 The open space contribution would be spent on local provision following consultation with local residents and Members.
- 10.46 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, landscaping, boundary treatment and management.

Affordable housing

- 10.47 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.

- 10.48 The 20% policy requirement would be equivalent to 6.2 affordable units, therefore this 31-unit development would normally necessitate the provision of six affordable units.
- 10.49 Six 1-bedroom affordable units are proposed. The applicant has stated that these would be starter homes, whereas the council's preferred tenure mix is 55% social or affordable rent / 45% intermediate. Some of the applicant's justification for the proposed tenure mix relates to the applicant's preferred business model and carries no material planning weight, however the applicant has also argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes under construction at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can help foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. The applicant's proposed deviation from the council's preferred tenure mix therefore only attracts limited negative weight. A wider range of tenures will, however, be required for the larger part of the allocated site.
- 10.50 All affordable housing would need to be provided in perpetuity.
- 10.51 The proposed size and locations of the affordable housing (units 19 to 24) are considered acceptable, given the size of the site and the proposed development. Similar detailing and the same materials are proposed for all dwellings, which would help ensure that the six affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.52 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development 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.
- 10.53 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.

- 10.54 The application site is located on Abbey Road North (the A629), a relatively busy road with footways on both side of the carriageway, central white line markings, and no yellow markings restricting on-street parking. A 30mph speed restriction applies to the A629 where it passes through Shepley. The site is also abutted by The Knowle to the south, which provides access to employment premises (including BGM Plastics at Eastfield Mills and Shepley Spring) and residential properties.
- 10.55 Visibility splays from the proposed new access of 2.4m x 120m to the left and 2.4m x 160m to the right onto Abbey Road North have been demonstrated by the applicant. and are deemed acceptable. A condition, requiring the provision of adequate visibility prior to construction works commencing, is recommended.
- 10.56 Although two vehicular access points (serving allocated site HS203) could reduce the need for reversing and could be considered acceptable on Abbey Road North if adequate visibility splays are provided, a single entrance would be preferred, and the applicant's indicative masterplan and commentary has illustrated how this could be achieved and could serve the entire site. Planning obligations facilitating the future provision of a single access point (obviating the need for the entrance currently proposed between units 1 and 31) are recommended.
- 10.57 The applicant's indicative masterplan includes a spur to the part of allocated site HS203 that has not yet been released for development. This allows for the future development of that land, and for a potential vehicular through-route between Abbey Road North and The Knowle, which could be beneficial to existing local residents. Alternatively, amendments to the indicative masterplan could enable a vehicular connection to The Knowle along a different alignment.
- 10.58 The footway of Abbey Road North would be widened in accordance with the requirements of site allocation HS203. This would involve the dismantling and rebuilding of the existing dry stone wall at the back of the footway.
- 10.59 With the pedestrian route proposed through the site between Abbey Road North and The Knowle, the proposed development responds positively to Local Plan policies LP20, LP24dii and LP47e, which promote and require the creation of safer pedestrian environments, walkable neighbourhoods, good connectivity and permeability, and layouts that encourage active and sustainable travel. The path at the south end of the application site would meet The Knowle at a location where there is no existing footway, however the footpath would be level with the carriageway at this point, allowing pedestrians to stop and check for oncoming traffic before crossing the road. Boundary treatments would need to be limited in height at this location to ensure good visibility is provided for pedestrians. Similar restrictions on boundary treatment heights would be necessary around the garden gates proposed for units 19 to 24 at The Knowle.
- 10.60 The provision of a formal crossing at The Knowle (in connection with the proposed development) has been considered, however due to the number of pedestrians likely to use the crossing and the space available, this has not been pursued with the applicant.

- 10.61 The 23 morning peak and 26 evening peak two-way traffic movements anticipated by the applicant (and measured at robust 0.75 and 0.83 trip generation rates) can be accommodated by the existing highway network without causing severe impacts.
- 10.62 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. However, as and when development comes forward for the larger part of the allocated site, the requirement for a Travel Plan would be triggered, and this would be applicable to the current application site, such that a contribution towards Travel Plan monitoring would need to be made. It is recommended that relevant planning obligations be secured via a Section 106 agreement.
- 10.63 The West Yorkshire Combined Authority (WYCA) have requested contributions totalling £38,515.50 to promote sustainable travel initiatives and to upgrade nearby bus stops. However, given the suitability of the site to its residents commuting by train, and having regard to Cllr John Taylor's comments, it is considered that any such contribution would be better put towards encouraging and facilitating train travel, as well as walking and cycling. Although the amount requested by WYCA would not fund additional trains, it can be put to effective use in improving station facilities (such as cycle parking), pedestrian routes to Shepley station, or other measures related to train travel, all subject to consultation with ward Members.
- 10.64 Acceptable off-street parking is proposed for each of the proposed residential units in accordance with council's Highway Design Guide.
- 10.65 In the most recent proposed layout, the applicant has illustrated eight parking spaces for visitors. Two of these are proposed on the carriageway of the development's new estate road, however the applicant has submitted swept paths diagrams illustrating that the manoeuvring of an 11.85m refuse vehicle would not be obstructed by these two spaces. The provision of visitor parking across the site is considered adequate.
- 10.66 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.67 Conditions are recommended requiring details of the surfacing and drainage of areas to be used by vehicles and pedestrians, details of internal adoptable roads, and highways structures.
- 10.68 Storage space for three bins will be required for all dwellings. 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

- 10.69 The application site is within Flood Zone 1. A watercourse exists close to the northeast corner of the application site, and a highway drain runs beneath the footway of Abbey Road North. Most of the application site is within a source protection zone relating to water extraction.
- 10.70 The applicant's initial Flood Risk Assessment (FRA) recommended that the site's potential for soakaways be investigated. The results of this investigation were not submitted by the applicant, however this did not trigger an objection from the Lead Local Flood Authority (LLFA), and the LLFA raised no objection to the proposed development, subject to conditions requiring details of soakaways and a detailed scheme of foul, surface water and land drainage. The LLFA further advised that – following the drainage hierarchy – if soakaways are not feasible, the alternative discharge would need to be to the nearby watercourse. Indeed, Appendix E of the applicant's initial FRA illustrated an indicative drainage scheme (to be implemented in the event that soakaways are proven not to be feasible) that included a 320 cubic metre storage tank beneath the development's open space, from which water would be carried at an attenuated rate to the watercourse to the east.
- 10.71 During the life of the current application, the applicant carried out soakaway testing at the site, and concluded that this would not be a suitable method of surface water disposal. The applicant therefore submitted an amended FRA (revision B), confirming what was previously an indicative proposal, namely the provision of a storage tank beneath the development's open space, from which water would be carried to the watercourse to the east. The FRA now confirms that the tank would be 257 cubic metres in size, and water discharge to the watercourse at an attenuated rate of 4.2 litres per second. The applicant has confirmed that consent from the relevant landowner has been obtained. A condition is recommended, requiring full details of this drainage proposal.
- 10.72 With adequate arrangements for the collection and disposal of foul, land and surface water from the development, the source protection zone (relating to water extraction) that covers most of the application site should not be adversely affected.
- 10.73 Foul water from the proposed development would discharge to the existing combined public sewer beneath Abbey Road North. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees and ecological considerations

- 10.74 There are no significant or TPO-protected trees within the application site, however trees in the adjacent Eastfield Mills site are the subject of TPO 06/82/a3. Some of these trees overhang the site boundary. A Twite buffer zone covers most of the site. All of the site is within an SSSI Impact Risk Zone.
- 10.75 The proposed development would unavoidably result in a biodiversity net loss (contrary to Local Plan policy LP30 and chapter 15 of the NPPF), although the extent of this loss has not been quantified by the applicant through a biodiversity metric calculation. A condition and Section 106 obligations are recommended, requiring the applicant to provide the necessary calculation, 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 (which could include the woodland behind Eastfield Mills) 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 such compensatory measures at an available site as near as possible to the application site.

- 10.76 In response to the comments of the council's Tree Officer, the applicant has amended the proposed layout and provided further information to demonstrate that impacts upon adjacent protected trees (including in relation to future pressure to prune and fell) would not be significant. A condition, requiring the submission of an arboricultural method statement and the implementation of tree protection measures, is recommended.

Environmental and public health

- 10.77 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, would be secured via the recommended Section 106 obligations.
- 10.78 In light of the findings of the applicant's Background Noise Assessment and the comments of the council's Environmental Health officers, a condition requiring details of a sound insulation scheme (to protect the amenities of the occupants of the proposed dwellings) is recommended.
- 10.79 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.
- 10.80 Regarding the social infrastructure currently provided and available in Shepley and the surrounding area (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

- 10.81 Conditions relating to site contamination have been recommended by Environmental Health officers in light of the findings of the applicant's Phase 1 Geo-Environmental Report.
- 10.82 The Coal Authority have advised that a Coal Mining Risk Assessment is not required, and have raised no objection to the proposed development.

- 10.83 The 250m buffer zone of a historic landfill site (at The Knowle) that covers part of the application site does not prevent the approval of residential development here.
- 10.84 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 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

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

Planning obligations

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

- 1) Affordable housing – Six affordable housing units (1-bedroom starter homes) to be provided in perpetuity.
- 2) Education – £31,027 contribution, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £38,515.50 financial contribution, and a contribution towards Travel Plan monitoring payable in the event that development comes forward at the adjacent land (within allocated site HS203) such that a Travel Plan is required.
- 4) Open space – £48,392 contribution towards off-site provision, and an additional contribution payable in the event that development comes forward at the adjacent land (within allocated site HS203) and the cumulative impacts of the developments require mitigation.
- 5) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 6) 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).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance. Developer to retain ownership of part of the open space and part of the front garden of unit 7, and to allow provision of a vehicular connection through to land to the north as and when that land is developed. Following provision of this vehicle connection, developer to close vehicular access point between units 1 and 31, and make good.

8) Masterplanning – All affordable housing units to be provided, and no more than 85% of the private sale units to be sold, until full planning permission is secured for development of the majority of allocated site HS203 in accordance with a masterplan that includes provision for an internal vehicular connection to the current application site.

10.87 The above Heads of Terms have been agreed with the applicant.

10.88 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

10.89 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

10.90 The comments of Kirkburton Parish Council are noted, however the concerns raised regarding the ownership of the application site (and also the site relating to application ref: 2019/91638) have not been specified by the Parish Council, nor is it clear how such concerns are relevant to the consideration of the current application.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS203, 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), topography, adjacent TPO-protected trees, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. The applicant has proposed an appropriate quantum of development and an acceptable layout, and has demonstrated that the proposals would not sterilise adjacent allocated land and can form an integral part of a wider, masterplanned development. The proposals respond appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable. The provision of 31 residential units at this site (including the provision of six affordable housing units) would contribute towards meeting the housing delivery targets of the Local Plan, and are welcomed. 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 (Environmental) 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. Submission of details of highways structures.
8. Cycle parking provision prior to occupation.
9. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
10. Submission of details of waste storage and collection.
11. Submission of details of any retaining walls.
12. Submission of an Arboricultural Method Statement and Tree Protection Plan.
13. Submission of soakaway test results a detailed drainage design for surface water and land drainage, and a detailed exceedance flow routing plan.
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. Submission of details of sound insulation measures.
19. Submission of details of crime prevention measures.
20. External materials (details and samples to be submitted).
21. Submission of details of boundary treatments.
22. Submission of details of external lighting.
23. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
24. Submission of details of biodiversity enhancement and net gain.
25. Restriction on removal of trees and hedgerows during nesting season.
26. 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=2019%2f91569>

Certificate of Ownership – Certificate B signed