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

**STRATEGIC PLANNING COMMITTEE**

**Date: 29-Jul-2020**

**Subject: Planning Application 2018/92309 Reserved Matters application (pursuant to outline application 2016/93411) for residential development of 41 dwellings Land to rear of 125 Helme Lane, Meltham, Holmfirth, HD9 5RJ**

**APPLICANT**

Conroy Homes Ltd /  
Conroy Brook  
(Developments) Ltd

**DATE VALID**

17-Jul-2018

**TARGET DATE**

16-Oct-2018

**EXTENSION EXPIRY DATE**

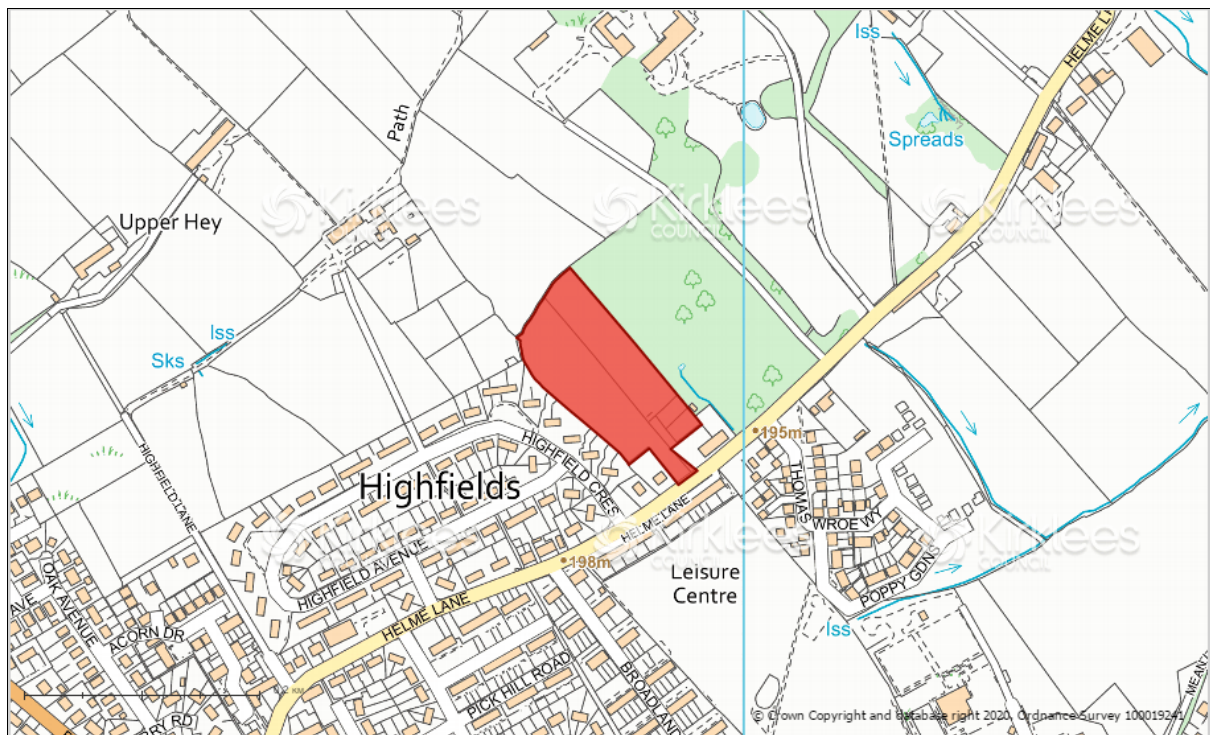
09-Nov-2018

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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: Holme Valley North**

**Ward councillors consulted: Yes**

**Public or Private: Public**

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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 – six affordable housing units (four social rent, two discount market sale) to be provided in perpetuity.
- 2) Open space – £62,742 contribution towards off-site provision.
- 3) Education – £30,712 contribution.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £40,000 contribution towards Meltham Greenway.
- 5) 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).
- 6) Viability – Financial viability review mechanism to capture surplus in light of improved sales values.

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

**1.0 INTRODUCTION:**

- 1.1 This is a Reserved Matters application for a residential development of 41 dwellings. The applicant seeks approval of all matters previously reserved, namely appearance, landscaping, layout and scale.
- 1.2 Outline planning permission for residential development was granted on 13/12/2016. All matters were reserved, other than access. That application (ref: 2016/93411) was considered by the Strategic Planning Committee on 01/12/2016.
- 1.3 The current application is presented to the Strategic Planning Committee as the previous outline application was, and this was in agreement with the Strategic Committee Chair. In addition, viability matters necessitate determination by committee.

1.4 Of note, although financial viability matters could have been considered under Discharge of Conditions to be submitted pursuant to conditions 5, 6 and 7 of the outline permission (ref: 2016/93411), given that the viability of the proposed development is inextricably linked to the matters to be considered under the current Reserved Matters application, viability is accordingly addressed in this report.

## **2.0 SITE AND SURROUNDINGS:**

2.1 The application site is 1.32 hectares in size and slopes downhill from northwest (215m AOD approx.) to southeast (195m AOD approx.). The site is accessed from Helme Lane via an existing gate and dropped kerb.

2.2 The site is grassed, and no significant buildings exist within the site's boundaries. No trees on the site are the subjects of Tree Preservation Orders (TPOs), however the woodland immediately adjacent to the northeast is the subject of TPO 15/80/W1. The site is within a Biodiversity Opportunity Zone (Valley Slopes) and an Impact Risk Zone of a Site of Special Scientific Interest. The site is also within 2.5 km of the South Pennine Moors Phase 1 Special Protection Area.

2.3 The site is not within a conservation area and there are no listed buildings immediately adjacent to the site. The Helme Conservation Area exists to the northeast, on the other side of the woodland adjacent to the site.

2.4 Adjacent buildings on Helme Lane and Highfield Crescent are in residential use.

2.5 The site is allocated for residential development in the Local Plan (site allocation HS166).

## **3.0 PROPOSAL:**

3.1 The applicant seeks Reserved Matters consent in relation to appearance, landscaping, layout and scale, following the approval of outline planning permission (with details of access) in 2016.

3.2 41 residential units are proposed, comprising 20 semi-detached and 18 detached two-storey dwellings, and three dwellings in a short two-storey terrace. These would be arranged around a new L-shaped estate road off which private drives are proposed. A small area of open space is proposed close to the site's west corner, behind 20 Highfield Crescent. This would be 0.053 hectares in size.

3.3 The 41 units would comprise three 2-bedroom, 28 3-bedroom and 10 4-bedroom dwellings.

3.4 Regarding affordable housing and other planning obligations, on 20/07/2020 the applicant submitted a revised offer as follows:

- Open space contribution of £62,742
- Education contribution of £30,712
- Metro Cards contribution of £15,840
- Six affordable housing units (four social rent, two discounted market sale)

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

4.1 2016/93411 – Outline planning permission granted 13/12/2016 for residential development (with details of access).

4.2 2018/93858 – Discharge of conditions application relating to conditions 9, 10, 11, 16, 17, 18 and 19 of the previous outline permission ref: 2016/93411. Pending decision.

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

5.1 Pre-application advice was provided in a letter dated 22/09/2016, in response to a proposal for 44 dwellings. The main points of this advice were:

- No objection to release of this Provisional Open Land for residential development.
- Emerging affordable housing policy requires 20% provision.
- Based on 44 dwellings, a £117,300 open space provision and a £85,193 education contribution required.
- On-site green infrastructure required.
- Proposed 44-unit scheme appears cramped, represents overdevelopment of the site, and meaningful landscape provision would be precluded. Density should be reduced.
- Any development should acknowledge topography and protected trees, and should provide landscaping along the northern boundary.
- Transport Statement required. This should include a cumulative impact assessment including existing committed schemes in the Meltham area.
- 2.4m x 43m visibility splays are appropriate for the site's entrance.
- Internal roads should be shared surfaces designed to a maximum speed of 15mph. Internal roads need to be 5.5m wide with 600mm hard margins.
- Car parking (including visitor parking – one space per four dwellings) required. Cycle parking required. Garages need to provide internal dimensions of 3m x 6m.
- Turning heads need to accommodate 11.6m long refuse vehicle. Swept path analysis required.
- Flood Risk Assessment required. Flood incidents have been reported in the surrounding area. Survey of culverted watercourse (that runs through the site) needed – this shouldn't be conditioned. Highway drainage also needs surveying. Site walkover with officers and other investigation is needed. Consultation needed with Yorkshire Water regarding Blackmoorfoot conduit. No comment on layout or quanta can be made without further drainage information. Stand-off distance from watercourse needed. Surface water flood route needed. Existing drainage system is damaged downstream, and needs repairing before connections are made. Once repairs are made, disposal of surface water to the watercourse would need to be restricted to 2.5 litres per second. Advice provided regarding land drainage and geology. Infiltration unsuitable at this site.
- Phase I contaminated land report required.
- Electric vehicle charging points would be conditioned.
- Tree survey required in relation to nearby TPO-protected trees.
- Ecological survey and biodiversity enhancement required.

5.2 In response to comments and concerns raised by officers, the applicant submitted amended drawings during the life of the current application. These showed an increase in the number of residential units (from 32 to 41), and a revised layout. Financial viability information, drainage information and drawings intended to address highways matters were also 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 site is allocated for housing in the Local Plan (site allocation ref: HS166). HS166 sets out an indicative housing capacity of 46 dwellings, and identifies the following constraints:

- Third party land required to achieve sufficient visibility splays
- Proximity to Special Protection Area / Special Area of Conservation
- Proximity to SSSI
- Site adjacent to a UK BAP priority habitat
- Site is close to a conservation area

6.3 Relevant 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 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)
- Viability Guidance Note (2020)

Climate change

- 6.5 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:

- 6.6 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 minerals

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

6.8 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 was initially advertised via a site notice posted on 02/08/2018, a press notice dated 10/08/2018, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for this initial publicity was 31/08/2018.

7.3 Representations from occupants of three properties were received in response to the council's consultation. These have been published online. The following is a summary of the concerns raised:

- Objection to loss of greenfield site. Fields already lost to recent development nearby.
- Brownfield sites in Meltham should be developed instead.
- Space between Helme and Meltham should remain undeveloped.
- Harm to quiet rural area. Character of area would change.
- Proposals are too large in scale.
- Views of Meltham and other areas from Helme Lane would be adversely affected.
- Site borders a conservation area.
- Proposals lack fencing for site's western edge.
- Overlooking of adjacent dwellings.
- Loss of natural light to adjacent properties.
- Proposed dwellings would receive little natural light due to trees to east.
- TPOs protect trees in adjacent garden.
- Bats exist at the site. Application doesn't set out measures to protect existing bat colony.
- Highway concerns. Local traffic would increase. Helme Lane is already heavily used as the shortest route to Huddersfield. Existing users don't respect speed limit. Parents park outside the site when bringing children to Helme Primary School, and additional traffic would risk children's safety. Large vehicles use Helme Lane, and more such vehicles would cause damage to the road. Congestion problems would worsen in the centre of Meltham.

- Unclear where water collected by culvert would discharge to. Corner of site is already prone to flooding, and this would be made worse. Three streams appear at site during heavy rain, and water flows to Helme Lane through the existing site entrance. Existing drains on Helme Lane are inadequate.
- Impact on local schools. Local school is oversubscribed.
- Impact on GP and dental services.
- Disruption during construction. Contractor parking will cause problems. Overlapping development would make problems worse.

7.4 Cllr Greaves, Cllr Lyons and Cllr White expressed support for a Section 106 offer that included a contribution towards the Meltham Greenway.

7.5 Meltham Town Council expressed support for the application.

7.6 Following the submission of an amended proposal with a revised layout and an increase in the number of dwellings (from 32 to 41), the council carried out a full re-consultation, allowing additional time for the Christmas and New Year period. A new site notice was posted on 30/12/2019, a new press notice was published on 03/01/2020, and letters were again delivered to addresses abutting the application site. The end date for this further publicity was 24/01/2020.

7.7 Representations from occupants of three properties were received in response to the council's consultation. The following is a summary of the additional concerns raised:

- Objection to lack of hipped roofs to semi-detached dwellings.
- Objection to height of 3-storey type J dwelling. This would stick out and would harm visual amenity.
- Regarding flood risk, site should have been visited (and comments should have been made) in winter during heavy rainfall. Neighbours have had water accumulate beneath their house. Drainage along western side of site has still not been addressed fully. Culvert does not exist. Proposal to provide drainage beneath 119 and 121 Helme Lane is not shown on drawings. Applicant has not responded to comments of the Lead Local Flood Authority. Spring exists at site's north western boundary.
- No dwellings would be suitable for older people.
- Contractor's vehicles should be contained within the development site.
- Application doesn't explain increase from 32 to 41 dwellings.
- No notification of amendments posted on lampposts.
- Concern regarding owls, lapwings and other wildlife.
- Query as to why visitor parking has been removed.
- Support comments of KC Trees regarding protected woodland. No though given to effect of trees at 121 Helme Lane upon plots 1 and 2 – canopies of these trees are more extensive than realised. Plans incorrectly show trees at site entrance. Concern that site hasn't been visited in summer.
- Previous concerns regarding highway congestion, safety and disruption still apply.
- Previous concerns regarding lack fencing at site's western edge and overlooking still apply.
- There are already 48 houses for sale in Meltham.



- Objection to lack of social housing.
- Council's consultation end dates are inconsistent.
- Officers haven't responded to questions raised in previous representation.
- Online documents still refer to 32-unit scheme and are invalid. Decisions will be made on incorrect information.
- Online consultee responses still refer to 32-unit scheme.

7.8 Responses to these comments are set out later in this report.

## 8.0 CONSULTATION RESPONSES:

8.1 The following is a brief summary of consultees advice (more details are contained within the assessment section of the report, where appropriate):

### 8.2 Statutory:

KC Highways Commenting on 41-unit scheme – Proposed round-top road humps are unacceptable and should be removed. Ramp should be provided to mark transition from estate road to shared surface. Visitor parking (at one space per four dwellings) required. Any on-street visitor parking needs to allow for swept paths of an 11.85m long refuse vehicle. Longitudinal sections needed to allow gradients to be assessed. Stage 1 Road Safety Audit (and Designer's Response) required. Regarding Section 38 and adoption, more information needed regarding the relocated gas main, surface water attenuation, drainage, foul and surface water sewers, and a 2m wide service strip in adoptable shared surface roads without footways.

KC Strategic Drainage (Lead Local Flood Authority) Commenting on 41-unit scheme – Welcome the inclusion of a new land drain to northern perimeter and the conveyance of flows along the western boundary. The use of clay stanks to prevent the gravel surround becoming a land drain is necessary and welcomed. However, as the diversion reaches Helme Lane, the applicant's drawing must show the existing highway drain arrangement in the pavement. As Kirklees would be responsible for a highway drain and watercourse in the highway, it is highly probably that the two networks will clash and therefore should be amalgamated. Due diligence is required to show appropriate sizing of the amalgamated system with levels and a connection point in the receiving manhole.

In addition, the current culvert located just inside the gardens of adjacent houses is to remain as it will take some existing flows. The distinction should be clearly made on drawings to show the location of the two systems. For the new system to take flows of water currently posing a flood risk, a stub pipe for future connectivity should be made to the boundary for use by the neighbouring property as previously agreed.

The use of additional manholes to prevent 90-degree bends on the watercourse/land drain is welcomed.

Drainage drawings should be supplemented by drawings showing boundaries between houses. Solid boundary walls are discouraged so that if there is a blockage scenario of exceedance event, overland flows are not impeded producing a ponding effect.

Microdrainage design calculations and simulations are required to support the design of the tank. Access arrangements are not approved under the Reserved Matters application and can be dealt with elsewhere.

It is imperative that maintenance and management of land drainage and SUDS systems are incorporated within a management company – Section 106 agreement required.

Flood routing is largely acceptable for the main road in the site and the low spot connection to the attenuation tank. An analysis of the main estate road in and around the area the attenuation tank is located should be submitted with appropriate mitigation to avoid water entering property curtilage.

Yorkshire Water Commenting on 41-unit scheme – No comment.

### **8.3 Non-statutory:**

KC Conservation and Design Commenting on 41-unit scheme – No comment.

KC Ecology – Commenting on 32-unit scheme – Applicant's Biodiversity Habitat Enhancement Scheme does not include details of native planting (trees and grassland), which was a recommendation of the original Preliminary Ecological Appraisal. These measures are partly covered in the submitted landscape scheme, but some amendments to this scheme will be required to provide the necessary ecological mitigation.

The proposals do not exceed any threshold within Natural England's SSSI Impact Risk Zone tool, therefore no consultation with Natural England is required under Section 28I of the Wildlife and Countryside Act 1981.

Site is within 2.5 km of the South Pennine Moors Phase 1 SPA, however it has been concluded through Habitat Regulations Assessment Screening that the proposals would have no likely significant effect on the SPA.

Further information is needed to demonstrate the required ecological mitigation and enhancement, which can be provided through amendment to the landscape proposals and addition to the Biodiversity Habitat Enhancement Scheme.

A net biodiversity gain has not been demonstrated through the submitted information. However, this could be achieved through the following amendments:

1. The landscape proposals have capacity for additional street tree planting, which should be provided.
2. The proposed hedgerow seed mix, should be substituted for something more appropriate – a consultant ecologist will be able to advise on establishment and management.
3. There is a significant opportunity for ecological enhancement, likely sufficient to provide a net biodiversity gain, by amending the proposed attenuation tank to a pond with the same function. Appropriate planting and management would achieve the required enhancement.
4. The Biodiversity Habitat Enhancement Scheme should be amended to include management of vegetated and aquatic habitats created as part of the scheme, including trees, grasslands, shrub planting and pond, etc.

As the proposals do not demonstrate a biodiversity net gain, as required under policy LP 30, I cannot support the application.

KC Education Commenting on 41-unit scheme – Education contribution of £30,712 required.

KC Environmental Health Commenting on 32-unit scheme – Most concerns were dealt with at outline stage (ref: 2016/93411) by way of conditions regarding contaminated land and electric vehicle charging points. Condition regarding construction management (including dust management, hours of works and deliveries) recommended. Latest condition regarding electric vehicle charging should also be applied. Advice provided regarding construction noise.

KC Landscape Commenting on 41-unit scheme – Holme Valley North ward is deficient in all open space typologies. 3,936.82sqm of greenspace required, within which a Local Area of Play (LAP) is needed, designed in accordance with Fields in Trust guidance. 0.053 hectares of on-site amenity greenspace leaves a shortfall requiring £62,742 in lieu of the LAP (for children and young people's provision), parks and recreation, and natural and semi-natural greenspace. Allotments are deficient in the ward, but the 50-unit trigger is not met. There are existing facilities within the recommended 720m of the site, which would require enhancement in lieu of on-site provision. The off-site contribution could be considered for Broadlands Recreation Ground, Hey Doorstep Green, and potentially Robert Ashton Memorial Park, subject to detailed engagement with Members, citizen consultation, and ward Member and Cabinet ratification nearer the time. Greenspace appraisals are carried out for each facility to demonstrate enhancement opportunities. Local Plan policies LP32 and LP63 need to be met, and full landscaping details should be secured by condition. Detailed advice provided regarding landscaping, street lighting and bin storage and collection.

KC Strategic Housing Commenting on 41-unit scheme – Eight affordable units required. These should be 1- or 2-bedroom homes, provided as four social or affordable rent dwellings and four intermediate dwellings. There is a significant need for affordable 1- and 2-bedroom homes in Kirklees Rural West, and for 1- and 2-bedroom homes for older people. Affordable homes should be distributed evenly throughout the development, and must be indistinguishable from market housing in terms of quality and design.

KC Trees Commenting on 41-units scheme – The Arboricultural Method Statement (rev C) does now at least consider the proposals seeking approval. I am still unsatisfied that it is vague and unhelpful for any prospective developer, however if the fencing is positioned as shown the adjacent trees will be protected from accidental damage and soil stripping. Conditions recommended requiring implementation in compliance with the Arboricultural Method Statement, and relating to any additional tree work during construction.

## 9.0 MAIN ISSUES

- Land use and principle of development
- Quantum and density
- Sustainability and climate change
- Urban design issues
- Residential amenity
- Affordable housing
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Environmental and public health
- Representations
- Financial viability and planning obligations
- Other planning 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 principle of residential development at this site has already been established. The application site is allocated for housing in the Local Plan (site allocation ref: HS166). Full weight can be given to this site allocation, and as noted above outline planning permission has been granted for residential development at this site.

### Quantum and density

- 10.3 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.
- 10.4 Site allocation HS166 sets out an indicative site capacity of 46 dwellings, which reflects the expectation of Local Plan policy LP7 that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Having regard to paragraphs 122 and 123 of the NPPF, given that allocated land in Kirklees is finite, and given the housing delivery targets set out in the Local Plan, applicants should “sweat” their sites as far as possible (having regard to all other planning considerations) to ensure that appropriate and optimal densities are achieved. The appropriate quantum and density for each site will, however, be partly determined by its constraints, including those constraints identified by the council in site allocations, and those that may be identified and evidenced by applicants when undertaking more detailed site analysis and design work.

- 10.5 Of note, during pre-application discussions the applicant tabled a 44-unit scheme. Officers asked for the density of that scheme to be reduced, stating that the proposal had a cramped layout appeared and represented overdevelopment of the site. However, that advice was given in 2016 (prior to the adoption of the Local Plan), and did not follow a full exploration of the relationship between the proposed development's quantum and financial viability.
- 10.6 Under the current application, the applicant initially proposed a development of 32 dwellings, comprising eight semi-detached and 24 detached two-storey dwellings. This would have achieved a density of only 24 dwellings per hectare, resulting in an unacceptable underuse of the allocated site. Officers were additionally concerned that this low quantum of development, and the high proportion of detached dwellings proposed, was adversely affecting the scheme's financial viability (the applicant had argued that the 32-unit scheme could not provide any affordable housing or Section 106 contributions).
- 10.7 The applicant argued that, of the site's 1.32 hectares, only 0.83 hectares was developable, and that 32 dwellings would have resulted in a density of 38.5 dwellings per hectare. In response, officers did not agree that only 0.83 hectares of the site were developable, but accepted that the site was indeed subject to additional constraints that had not been identified in the site allocation – these included an existing gas main and easement running through the length of the site, a culverted watercourse running along the site's southwest boundary, and the adjacent TPO-protected trees.
- 10.8 Given the above, and notwithstanding advice given at pre-application stage, officers considered that an increase in the number of units proposed should be explored. Furthermore, with changes to unit types, officers considered that a greater number of units would be possible without adversely affecting residential amenity or quality.
- 10.9 Following meetings and the submission of a series of revised layouts, the applicant submitted the current 41-unit scheme, most recently illustrated on drawing 0101 rev P12. In this revised layout, the number of detached dwellings has decreased to 18, the number of semi-detached and terraced dwellings has increased to 23, and private drives have been rationalised. The revised layout accommodates the existing gas main, culverted watercourse, and their respective easements, and includes an area of on-site open space where these constraints prevent development. The revised layout also provides adequate distances between existing and proposed dwellings, includes adequate outdoor amenity space for each dwelling, makes space for water (attenuation and related easements are annotated on the applicant's drawings), and responds to the requirements of the council's Highway Design Guide SPD and the need to ensure adjacent TPO-protected trees are not adversely affected.
- 10.10 With 41 units now proposed in a site of 1.32 hectares, a density of 31 dwellings per hectare would be achieved. This is considered sufficiently close to the 35 dwellings per hectare referred to in Local Plan policy LP7. It is accepted that the applicant is unable to achieve further increases in unit numbers (above the 41 units now proposed) without adversely affecting residential amenity or quality, or otherwise compromising the scheme in relation to other considerations relevant to planning. It is recommended that the quantum and density currently proposed be accepted.

## Sustainability and climate change

- 10.11 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.12 It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to public transport and other local facilities in Meltham, and the measures related to transport and connectivity that can be put in place by developers. Meltham and the application site are not isolated and inaccessible, and bus stops are located within walking distance of the application site. Facilities available in Meltham would enable residents of the proposed development to address at least some of their daily, economic, social and community needs within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.13 Regarding climate change, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. It is recommended that cycle storage for residents be secured by condition (electric vehicle charging points are already required by condition 18 of the outline planning permission ref: 2016/93411), and that sustainable transport measures be secured via a Section 106 agreement. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable.
- 10.14 Drainage and flood risk minimisation measures will need to account for climate change.
- 10.15 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

- 10.16 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, as is the National Design Guide.
- 10.17 The application site is sloped, increasing its visibility when viewed from the southeast. The site is, however, immediately adjacent to existing residential development to the southwest, and is opposite development on the south side of Helme Lane, such that development at this site would appear as an extension to an existing settlement. Given this adjacent existing development, and the limited screening provided by the adjacent woodland to the northeast, the proposed development would not cause significant harm to the wider landscape or the character of the area.

- 10.18 The proposed layout responds to the site's shape and constraints, and includes a new L-shaped estate road off which private drives are proposed. The proposed layout is legible and logical, it allows for natural surveillance of the development's areas of public realm (including the proposed small area of open space), and it minimises the visual impact of parked vehicles where possible. The location of the proposed open space is considered acceptable, given that this is determined by the existing gas main, culverted watercourse, and their respective easements.
- 10.19 2-storey dwellings are proposed (some with attic rooms). This is appropriate to the site's context, where the majority of dwellings are 2-storey. An objection has been raised by a resident to the proposed house type J on height grounds, however the provision of attic rooms with dormers would not result in dwellings that are out of character with surrounding residential development.
- 10.20 Ten house types are proposed, giving the proposed development sufficient elevational variety and visual interest. Conventional massing, pitched roof forms and elevational treatments are proposed. An objection has been raised by a resident to the lack of hipped roofs, however such a roof design is not considered necessary to render the proposed development acceptable in design terms.
- 10.21 A materials schedule was submitted by the applicant on 12/11/2018. The applicant proposes artificial stone (Forticrete Anstone Olde Heather Black with a pitched finish) for the elevations of the dwellings, and grey interlocking concrete roof tiles. While natural stone would be preferred, it is noted that the same artificial stone has been approved at a recent residential development nearby (under application ref: 2015/93169), that natural stone has not been used in several other nearby buildings, and that the application site is not within a conservation area. The proposed materials are therefore considered acceptable.
- 10.22 Some details of proposed boundary treatments are shown on drawing 9601 rev P03, however 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, and solid boundary treatments may be necessary to restrict overland flows in blockage events.
- 10.23 The same drawing includes details of landscaping, however a condition requiring full details of landscaping is recommended, to secure appropriate planting (including native species, planting attractive to pollinators, and year-round visual interest), management and maintenance.
- 10.24 There are no designated heritage assets within or covering the site, however the Helme Conservation Area is relatively close (approximately 100m to the northeast), and Craddin Cottage at 190 Helme Lane is Grade II listed. Due to distance and the intervening woodland, the application site does not have a direct relationship with these heritage assets, and does not form a significant part of their setting, therefore it is considered that the proposed development would not cause unacceptable harm to their significance.

## Residential amenity

- 10.25 Local Plan policy LP24 requires development to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.26 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.
- 10.27 External lighting at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife. An appropriate condition is recommended.
- 10.28 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, and the site's location on Helme Lane (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The number of vehicle movements along Helme Lane would increase, but not to levels unusual for a road of this size and character.
- 10.29 Condition 19 of the outline planning permission (ref: 2016/93411) requires the submission of details relating to construction traffic, including the point of access for construction traffic, details of the times of use of the access, the routing of the construction traffic to and from the site, construction workers' parking facilities and the provision, use and retention of wheel washing facilities within the site. Details submitted pursuant to that condition are currently under consideration under application ref: 2018/93858. In relation to the current Reserved Matters application, a further condition is recommended requiring the submission of a Construction Management Plan (CMP) intended to address the other ways in which construction work can potentially cause impacts, including cumulative impacts (should other nearby sites be developed at the same time) and details of dust suppression measures and temporary drainage arrangements. An informative regarding hours of noisy construction work is also recommended.
- 10.30 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.31 The 41 units would comprise three 2-bedroom, 28 3-bedroom and 10 4-bedroom dwellings. Although a small number of one-bedroom units would have been welcomed, the proposed unit size mix would cater for a reasonably wide range of household sizes, would help create a mixed and balanced community, would help avoid visual monotony across the site, and is considered acceptable.
- 10.32 Although the Government's Nationally Described Space Standards (2015, revised 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. The majority of the 41 proposed dwellings would meet these standards, however the six type F units would only be 74sqm in size and the three type L units would only be 77.1sqm in size (whereas the Government advises a minimum size of 84sqm for a 3-bedroom, 4-person, 2-storey dwelling). Refusal of planning permission is not recommended in relation to these shortfalls, however this matter weighs negatively in the balance of planning considerations.



- 10.33 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.
- 10.34 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although some of the dwellings would have habitable rooms at ground floor level that could be converted to bedrooms. An objection has been raised by a resident to the lack of housing intended for occupation by older people, however there is no policy requirement for such provision as part of a development at this site.
- 10.35 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.36 A small area of on-site open space, 530sqm (0.053 hectares) in size, is proposed close to the site's west corner, behind 20 Highfield Crescent. As the Holme Valley North ward is deficient in all open space typologies, the 41-unit scheme triggers a need for 3,936.82sqm of open space (other than allotments, as the 50-unit trigger is not met by the proposed development). It is accepted that a larger area of open space cannot (and should not) be provided on-site, given the site's topographical constraints and the need to accommodate a sufficient number of dwellings (of an acceptable design and level of amenity). The applicant's approach to open space will, however, necessitate a financial contribution towards off-site open space. A contribution of £62,742 would be required, including funding for a Local Area of Play. This contribution could be put towards existing facilities within walking distance of the application site, including Broadlands Recreation Ground, Hey Doorstep Green, and Robert Ashton Memorial Park, subject to engagement with Members and residents, and Cabinet ratification.

#### Affordable housing

- 10.37 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.
- 10.38 To comply with policy LP11, the proposed development would need to provide eight affordable housing units (four social or affordable rent, and four intermediate), however regarding affordable housing and other planning obligations, on 20/07/2020 the applicant submitted a revised offer that includes six affordable housing units (four social rent, two discounted market sale).

- 10.39 On 20/07/2020 the applicant clarified that the four social rent dwellings would comprise one type F unit and three type L units, while the two discounted market sale dwellings would be type F units. This would mean three of the six units on the southwest side of the new estate road would be affordable, as would the three terraced dwellings proposed towards the site's east corner. Given the size and layout of the proposed development, it is considered that the proposed development's affordable component would be adequately distributed across the site.
- 10.40 The financial viability of the proposed development is discussed later in this report.

#### Highway issues

- 10.41 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.
- 10.42 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 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.43 Helme Lane is subject to a 30mph speed restriction, is open to two-way traffic, is a bus route, and carries through-traffic between Meltham and settlements to the north. The application site has a frontage to Helme Lane of approximately 20m, and a single access point via a gate and dropped kerb. A second gated access point (serving the adjacent residential property to the east) uses the same dropped kerb. There is a lighting column directly outside the application site, footways on both sides of the carriageway, and no yellow line markings along the kerbs.
- 10.44 A single vehicular access point is proposed to Helme Lane. Access to the site was previously considered at outline application stage, and condition 8 of the outline planning permission (ref: 2016/93411) requires the provision of adequate visibility splays (as per previously-approved plan 16/D29/06 rev D) prior to commencement of development. A 2.4m x 43m visibility splay is shown on the applicant's current drawings.
- 10.45 Trip generation was also previously considered at outline application stage. Paragraphs 10.15 and 10.16 of the committee report for application ref: 2016/93411 considered the anticipated trips generated by a 44-unit scheme at this site, concluding that the 36 two-way morning peak and 36 two-way evening peak movements would not have an unacceptable impact on the local road network, and that the proposed site access and the Helme Lane / Broadlands Road junction would operate well within capacity.

- 10.46 For the 41-unit scheme now proposed, adequate off-street parking would be provided for individual dwellings, however only one visitor parking space is annotated on the proposed layout, when 10 such spaces should be provided. It is recommended that the provision of additional visitor parking spaces be secured by condition.
- 10.47 During the life of the current application, the applicant has amended gradients to the proposed estate road, improved alignment onto Helme Lane, improved refuse vehicle turning, widened and redesigned driveways and improved provisions for pedestrians (including the addition of a footway up to the curtilage of unit 7 on the south side of the estate road). A road safety audit and designer's response have been submitted, and the applicant has deleted previously-proposed round-top traffic calming features from the scheme, in response to officer requests. Final comments from Highways Development Management officers on the applicant's latest refuse vehicle tracking plan (AMA/20188/ATR005, received 02/07/2020 and showing swept paths for a 11.85m refuse vehicle) will be reported in the committee update.
- 10.48 A condition regarding the surfacing and drainage of parking areas is considered appropriate, as is an informative regarding works to the highway. Condition 9 of the outline planning permission (ref: 2016/93411) already requires the submission of details of internal adoptable roads.
- 10.49 In earlier comments, Highways Development Management officers relayed a request from the West Yorkshire Combined Authority (Metro) for funding for a package of sustainable travel measures including discounted MetroCards. For bus-only Residential MetroCards, a contribution of £15,840 was requested. The applicant has agreed to make this contribution. However, given site circumstances and in light of comments from ward Members, it is considered that any such contribution would be better put towards encouraging other forms of sustainable transport such as walking and cycling, and specifically the Meltham Greenway, which is a key east-west leisure and transport route that is part of the existing Core Walking and Cycling Network, that is likely to be used by residents of the proposed development, and which requires funding for its eastwards extension towards Beaumont Park. In light of the applicant's earlier offer of a £40,000 contribution towards the Meltham Greenway, it is considered appropriate to secure that larger figure, with the offered £15,840 being put towards it.
- 10.50 No recorded or claimed rights of way run through or alongside the application site, however public footpath MEL/26/40 runs from Helme Lane through the Helme Ridge development and Broadlands Recreation Ground to Broadlands Road. This footpath has also been identified as part of the existing Core Walking and Cycling Network in the Local Plan. Further south, this publicly-accessible route connects with the Meltham Greenway.
- 10.51 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.

- 10.52 Storage space for three bins, and refuse collection points, would be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition requires the provision of refuse collection points in locations that would not obstruct access to private driveways.

#### Flood risk and drainage issues

- 10.53 The site is within Flood Zone 1 and slopes downhill from northwest (215m AOD approx.) to southeast (195m AOD approx.). A culverted watercourse runs beneath the site, close to its southwest boundary. This, and a drain from a pond in the adjacent woodland, ultimately carry surface water to Meltham Dike to the east.
- 10.54 Of note, matters of drainage could be addressed via submissions made pursuant to condition 16 of the outline planning permission (ref: 2016/93411), which requires the submission of details of the proposed means of separate disposal of foul and surface water drainage. However, as drainage is closely linked to layout in many respects (space needs to be allowed for attenuation, flood routing affects layout, and easements along drains may limit developable space, for example), it is appropriate to consider drainage under the current Reserved Matters application.
- 10.55 As noted at outline stage, infiltration is not considered to be an appropriate method of surface water disposal at this site, and the applicant therefore instead proposes disposal to an existing watercourse to the south of the site, with on-site attenuation storage and a hydrobrake reducing the discharge rate to 8 litres per second. In addition, to address existing problems affecting the site and adjacent properties, a new land drain is proposed to the site's northern perimeter, and the existing culvert that runs along the site's southwest boundary would be renewed and partly diverted around 121 Helme Lane.
- 10.56 The Lead Local Flood Authority (LLFA) objected to the applicant's earlier drainage proposals, however with the proposals as detailed above, and with the applicant's most recent drawings and supporting information, the LLFA's concerns have largely been addressed. The applicant has attempted to address outstanding matters via a further drainage layout drawing submitted on 07/07/2020, and the LLFA's comments on this latest submission will be reported in the committee update. Notwithstanding those awaited comments, it is considered that the outstanding matters could be addressed via condition 16 of the outline planning permission, and additional conditions recommended at this Reserved Matters stage. Maintenance and management of drainage systems (up to the point of adoption by the statutory undertaker) would be secured via a Section 106 agreement.

#### Ecological considerations

- 10.57 The site is within a Biodiversity Opportunity Zone (Valley Slopes) and an Impact Risk Zone of a Site of Special Scientific Interest. The site is also within 2.5 km of the South Pennine Moors Phase 1 Special Protection Area.

- 10.58 The applicant submitted an amended Biodiversity Habitat Enhancement Scheme on 09/10/2018 in response to the comments of the council's Biodiversity Officer. This amended document included proposals for additional tree planting, ecological enhancement planting, and an amended seed mix, however the document was effectively superseded following the increase in the quantum of development from 32 units 41, and the related revisions to layout.
- 10.59 Of note, further information would need to be submitted by the applicant in relation to ecological impacts and enhancement pursuant to condition 17 of the outline planning permission (ref: 2016/93411) in any case, and submissions made pursuant to that condition can address some of the outstanding concerns of the council's Biodiversity Officer. Condition 17 requires the submission of details of a biodiversity habitat enhancement scheme including details and potential locations for bat and bird roost opportunities within the development and neighbouring trees. The wording of condition 17, however, does not specifically require details to demonstrate that a biodiversity net gain (as now required by Local Plan policy LP30 and chapter 15 of the NPPF) would be achieved.
- 10.60 The proposed development is likely to 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 (further to condition 17 of the outline planning permission) is therefore recommended, requiring the applicant to provide the necessary calculation, and to explore all options for on-site compensatory works. If adequate compensatory works could be achieved on-site, the applicant would need to look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution could 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.

### Trees

- 10.61 No trees within the application site are the subjects of Tree Preservation Orders (TPOs), however the woodland immediately adjacent to the northeast is the subject of TPO 15/80/W1.
- 10.62 Amended plans submitted during the life of the application moved the proposed dwellings away from the site's northeast boundary to help ensure the adjacent protected trees would not be adversely affected by the proposed development. In addition, the applicant's latest Arboricultural Method Statement (rev C, received 26/06/2020) includes proposals for fencing which, if positioned as shown, would protect the adjacent trees from accidental damage and soil stripping. Conditions requiring implementation of the Arboricultural Method Statement, and relating to any additional tree works during construction, are recommended.
- 10.63 A resident has expressed concern regarding potential impacts upon trees at 121 Helme Lane, however this matter has not triggered an objection from the council's Arboricultural Officer, those trees are not TPO-protected, and the footprint of unit 1 would not interfere with their root protection areas.

## Environmental and public health

- 10.64 With regard to the West Yorkshire Low Emission Strategy, although condition 18 of the outline planning permission (ref: 2016/93411) already requires the provision of electric vehicle charging points, a further condition is recommended at this Reserved Matters stage, specifying that each charge point must be capable of ensuring a minimum continuous current demand of 16 amps and a maximum demand of 32 amps.
- 10.65 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 sizes of most of the proposed dwellings, the affordable housing and other planning obligations that are to be secured, measures that can be secured 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.
- 10.66 Regarding the social infrastructure currently provided and available in Meltham 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.

## Representations

- 10.67 Six representations have been received from the occupants of five properties. Below are the case officer's responses to the issues raised which have not been addressed earlier in this report.
- The availability of houses for sale elsewhere in Meltham is not a reason for withholding Reserved Matters approval in relation to a further 41 dwellings. Market churn is normal, and is not an indication of a lack of demand for housing in Meltham.
  - Residents have correctly noted that some submission documents still refer to the earlier 32-unit scheme, however not all documents needed to be updated in light of the amended scheme.

## Financial viability and planning obligations

- 10.68 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- Affordable housing – Eight affordable housing units (four social/affordable rent, and four intermediate) to be provided in perpetuity.
  - Open space – £62,742 contribution towards off-site provision.
  - Education – £30,712 contribution.
  - Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £40,000 contribution towards Meltham Greenway.

- 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).

- 10.69 As noted above, although financial viability matters could have been considered under Discharge of Conditions to be submitted pursuant to conditions 5 (public open space), 6 (affordable housing) and 7 (education) of the outline permission (ref: 2016/93411), given that the viability of the proposed development is inextricably linked to the matters to be considered under the current Reserved Matters application, viability is accordingly addressed in this report. Officers now advise applicants that, if they intend to submit viability information in relation to Section 106 obligations, this should be submitted at Reserved Matters stage, so that viability can be considered concurrently with the layout and quantum of the proposed development, and amendments (to improve viability) can be made if necessary. Were applicants to submit viability information pursuant to outline conditions after Reserved Matters have been approved, there would be less scope for exploring layout and quantum amendments (to improve viability), and/or progress would be delayed as new Reserved Matters applications would need to be submitted.
- 10.70 Accordingly, the applicant submitted financial viability evidence during the life of this Reserved Matters application. This evidence was updated following the amendments to the proposed development which included an increase in the number of residential units from 32 to 41 and updated again in light of comments from officers.
- 10.71 The applicant's viability information has been assessed by the council's independent viability consultant, Rider Levett Bucknall (RLB). Officers have also had regard to the council's Viability Guidance Note, approved by Cabinet on 02/06/2020.
- 10.72 The applicant has used a variety of benchmark land value figures in submissions made during the life of the application, varying from £350,000 for the entire site, to £350,000 per acre in a later submission (an unexplained tripling of the value), to £582,000 in the applicant's latest appraisal. RLB, however, maintain that a benchmark land value of £350,000 is appropriate, noting that this figure is close to what will actually be paid for the site.
- 10.73 Sales values have also not been agreed with the applicant. RLB have used the best comparable evidence by referring to the Helme Ridge (Thomas Wroe Way) development nearby, which RLB have adjusted for sales incentives. The applicant, however, has referred to sales values at other schemes but has not provided a compelling explanation for the figures used therefrom.
- 10.74 Regarding this particular viability appraisal input, one potential way forward would be through the use of a viability review mechanism. This is allowed for in the council's Viability Guidance Note, and would involve including provisions within a Section 106 agreement that would enable the council to claw back money (to be put towards affordable housing) should the completed units at this site sell for more than the amounts used by the applicant in an agreed application-stage appraisal.

10.75 The applicant's cut and fill costs have also been questioned, and RLB have adjusted these costs in their appraisal as the applicant had not demonstrated that the excavated material could not be used as fill, achieving more of a balanced earthworks solution which is the usual practice to reduce the costs and achieve a sustainable construction solution.

10.76 In their latest assessment (dated 13/07/2020), RLB have asserted that the proposed development can in fact provide the above-listed open space, education and sustainable transport planning obligations, achieve a profit within the industry-accepted range of profit expectations (15-20%) and achieve a surplus sufficient to provide between six and eight affordable housing units (the number of units secured would depend upon their type and tenure, and what level of profit is accepted). RLB have advised, for example, that if a profit of 17.5% were to be accepted (this being the mid-point of the industry-accepted range of profit expectations, and the minimum profit level required by this particular applicant, which is considered reasonable), an affordable housing provision of six units could be secured, provided as one type F and three type L social rented units and two type F discounted market sale units.

10.77 The key findings of RLB are set out in the table below. Of note, eight affordable units could be provided by the proposed development, however this would reduce profit levels to 15.1%, which is at the very bottom of the industry-accepted range of profit expectations, and would bring with it a higher degree of risk to a developer.

Bramley / RLB									
Comparison		Bramleys		RLB	Difference			RLB	RLB
08 July 2020		21-Apr-20		31-Mar-20				Affordable Housing Policy Cost 20%	Affordable Housing Profit 17.35%
<b>DEVELOPMENT VALUE</b>									
Gross Development Value		£10,447,815		£10,654,915	£207,100			£10,654,915	£10,654,915
						AHC		-£1,143,316	-£892,754
								£9,511,599	£9,762,161
<b>DEVELOPMENT COST</b>									
Land Costs		£609,330		£372,750	£236,580			£372,750	£372,750
<b>Construction Costs</b>									
Housebuild		£5,668,261		£5,628,281					
Abnormals		£1,032,510		£953,515					
Contingency		£363,185	£7,063,956	£329,090	£6,910,886	£153,070		£6,910,886	£6,910,886
<b>Design</b>									
Design and Planning Fees		£349,980		£335,935	£14,045			£335,935	£335,935
<b>Section 106</b>									
Metro	15840			£15,840					
POS	62742			£62,742					
Education	30712			£30,712					
Affordable Housing	0	£109,294		£109,294	£-			£109,294	£109,294
<b>Marketing and Disposal</b>									
		£151,098		£119,912	£31,186			£119,912	£119,912
<b>Finance</b>									
		£230,592		£219,622	£10,970			£219,622	£219,622
<b>Developers Profit</b>									
	17.50%	£1,828,368		17.50%	£1,864,610	£36,242			
<b>Total Development Costs</b>									
		£10,342,618		£9,933,009	£409,609			£8,068,399	£8,068,399
<b>Residual Surplus</b>									
		£105,197		£721,906	£616,709	Residual Profit	15.17%	£1,443,199	£1,693,761
									17.35%

10.78 In light of these most recent findings of RLB, regarding affordable housing and other planning obligations, on 20/07/2020 the applicant submitted a revised offer as follows:

- Open space contribution of £62,742
- Education contribution of £30,712
- Metro Cards contribution of £15,840
- Six affordable housing units (four social rent, two discounted market sale)



- 10.79 With the offered Metro Cards contribution diverted to a more appropriate and relevant project similarly intended to encourage the use of sustainable modes of transport (the Meltham Greenway) and increased to £40,000 (to reflect an earlier offer made by the applicant), and subject to a viability review mechanism being secured in a Section 106 agreement, it is recommended that the applicant's latest offer be accepted. Key components of the viability review (including land value, timing of the review and arrangements for capturing any surplus) would need to be agreed between the council and applicant and would need to be based on the inputs used by RLB.
- 10.80 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

- 10.81 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.

### **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development under site allocation HS166, outline planning permission for residential development has previously been granted, and the principle of residential development at this site remains acceptable.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, existing underground infrastructure (and its easements), adjacent TPO-protected trees, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage.
- 11.3 The proposed development raises concerns in relation to its unmitigated impacts that would arise from a shortfall in affordable housing, however an assessment of the development's viability indicates that this shortfall should be accepted.
- 11.4 The public benefits of the proposed development are noted, and approval of the Reserved Matters is recommended.

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

1. Development to be carried out in accordance with the approved plans and specifications.
2. Submission of a Construction Management Plan.
3. Submission of details relating to internal adoptable roads.
4. Cycle parking provision to be provided within the site.
5. Provision of visitor parking spaces.
6. Specification of Electric Vehicle charging points
7. Details of surfacing and drainage of parking areas.
8. Provision of waste storage and collection.
9. Implementation of Arboricultural Method Statement.
10. Details of additional tree works.
11. Submission of Flood Risk and Drainage details.
12. Crime prevention measures.
13. Boundary treatments.
14. External lighting.
15. Full Landscaping scheme.
16. Biodiversity enhancement, net gain and Ecological Design Strategy / Landscape and Ecological Management Plan
17. Removal of permitted development rights.

**Background Papers:**

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92309>

Certificate of Ownership – Certificate B signed on previous application form for outline planning permission application