

---

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

**STRATEGIC PLANNING COMMITTEE**

**Date: 26-Aug-2020**

**Subject: Planning Application 2020/90436 Outline application for the demolition of 1no. dwelling house and the erection of residential development and associated works with details for access Land adj, 115, Westfield Lane, Wyke, BD12 9LY**

**APPLICANT**

A Stoddart

**DATE VALID**

13-Feb-2020

**TARGET DATE**

14-May-2020

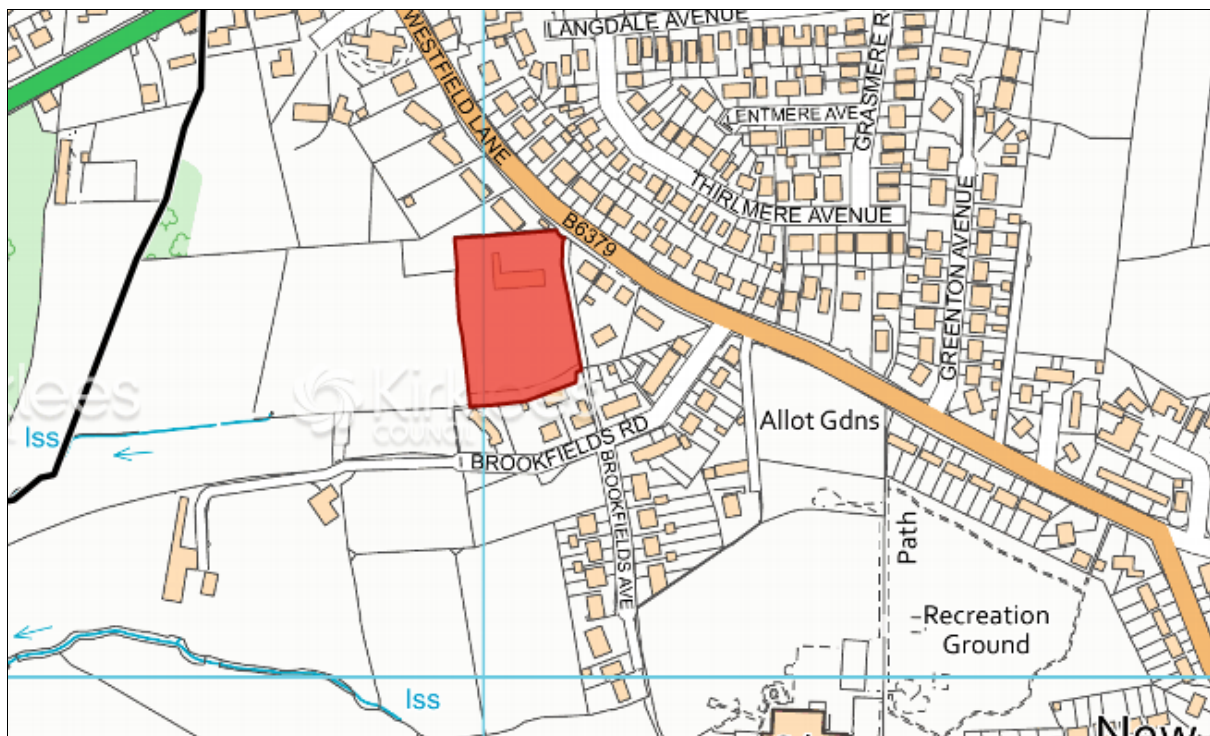
**EXTENSION EXPIRY DATE**

---

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

<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: Cleckheaton Ward**

**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 and Master Planning in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 This is an outline planning application for the demolition of an existing dwelling house and the erection of residential development and associated works with details for access.
- 1.2 The application is presented to the Strategic Planning Committee as the site is larger than 0.5 hectares in size, in accordance with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site consists of the dwelling at 115 Westfield Lane, Wyke, which is a substantial detached stone-built bungalow building with a two-storey element that utilises the topography, set within a large landscaped curtilage.
- 2.2 Historic OS Maps show that the bungalow was developed between 1922 and 1931, and known as "Fieldhead". The building is not listed or within a conservation area.
- 2.3 The application site measures 0.691 hectares in size and slopes downhill by approximately 7m from northeast to southwest. The site is accessed from Westfield Lane.
- 2.4 The site is surrounded by a variety of both conifer and broadleaf trees and bordered on the south and east by a large tree group of mixed species. There are a number of Tree Preservation Orders found along the site's eastern and southern boundaries, as well as two groups of Tree Preservation Orders along the site's northern boundary.
- 2.5 A Public Right of Way (PRoW) SPE/31/10 follows a route outside the site's eastern boundary, separated by a palisade fence. Beyond the PRoW there is a cul de sac of recently developed two-storey detached dwelling houses.
- 2.6 Beyond the site boundary to the northwest there are large dwelling houses set within large garden curtilages fronting onto Westfield Lane. Beyond the boundary to the south there are a mixture of house types set within fairly spacious plots associated with Brookfields Road. Beyond the boundary to the west there are open views of fields that form part of the adjacent green belt.

### **3.0 PROPOSAL:**

- 3.1 The planning application is submitted in outline and the applicant seeks permission for the principle of residential development with the means of access, with all other matters reserved.
- 3.2 An indicative site layout plan shows how 15 dwelling houses, consisting of 10 detached houses and four semi-detached houses, as well as two detached garages. Each dwelling house would have a large driveway, as well as front and rear gardens. The houses are arranged around a cul de sac layout with four visitor parking spaces.
- 3.3 Proposed site plans shows that the proposal would adapt the existing access point to facilitate access for up to 15 dwelling houses, which may result in works to the some of the protected trees to the north west corner.
- 3.4 The indicative proposal shows that majority of the protected trees would be located within the rear gardens.
- 3.5 The site plan also denotes how the boundary line adjacent to the Public Right of Way could be repositioned to provide a constant width of 3.2m.

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

#### 4.1 Current application site:

2007/90862 – Demolition of dwelling and erection of 20 dwellings with garages – Refused on 17/05/2007 for the following reasons:

1. It is considered that the proposal by reason of its layout, and density fails to respect the characteristics of the area, in that it is not well integrated with nor does it compliment the surrounding building nor does it relate well to its surroundings. As such the proposal is considered to be contrary to Policies BE1, BE2 and D2 of the Unitary Development Plan as well as advice and guidance contained in PPS1 Delivering Sustainable Development and PPS3 Housing.
2. The scheme fails to make satisfactory provision for Public Open Space. As such it is considered to be contrary to Policy H18 of the Unitary Development Plan.
3. The proposal fails to provide satisfactory parking and little or no incentive to encourage the use of alternative modes of transport to the car. As such the proposal is considered to be contrary to Policy T19 of the Unitary Development Plan, as well as guidance contained in both PPG13 and PPS3 Housing.

#### 4.2 Neighbouring Sites:

*Formerly 113 Westfield Lane, Wyke, BD12 9LY:*

2017/91748 – Demolition of 1 dwelling and erection of 4 dwellings – Conditional Full Permission granted on 31/08/2017

2015/91280 – Outline application for erection of 5 dwellings - Conditional Outline Permission granted on 09/07/2015

*Land off, Brookfields Road, Wyke, BD12 9LU:*

2007/92629 – Demolition of existing dwelling and erection of seven dwellings with garages – Conditional Full Permission granted on 11/10/2007

2015/92310 – Erection of six dwellings – Conditional Full Permission granted on 17/11/2017

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

- 5.1 A change was made to the development description to more accurately reflect the planning application.
- 5.2 The current palisade fencing along the site's eastern boundary does not accurately denote the Public Right of Way (PRoW) (Spenborough 31). A site plan was submitted during the life of the planning application that shows an agreement to the relocation of the site boundary treatment to respect the PRoW.
- 5.3 A Bat Emergence and Re-entry Survey and a Biodiversity Metric 2.0 calculation was submitted.
- 5.4 In discussions with the Lead Local Flood Authority the applicant has submitted a revised drainage strategy. This additional drainage information includes an indicative drainage design (alignments, discharge rate and storage estimate) alongside safe flow routing for the site in exceedance events.

## **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 (KLP)

- 6.2 The following policies are considered relevant:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Affordable housing and housing mix
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Trees
- LP32 – Landscape
- LP33 – Biodiversity and geodiversity
- LP38 – Minerals safeguarding

LP47 – Healthy, active and safe lifestyles  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space

### Supplementary Planning Guidance / Documents

6.3 Relevant guidance and documents are:

- Highways Design Guide Supplementary Planning Document (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)

### National Planning Policy and Guidance

6.4 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.

6.5 Relevant 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 efficient use of land  
Chapter 12 – Achieving well designed places  
Chapter 14 – Meeting the challenge of climate change, coastal change and flooding  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 17 – Facilitating the sustainable use of minerals

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

6.7 On 01/10/2019 the Government published the National Design Guide.

6.8 Many policies within the National Planning Policy Framework (NPPF), the Planning Practice Guidance and the National Design Guide are relevant to this proposal and, where relevant, are referred to in the main report text.

### Climate change

6.9 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

## **7.0 PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement. The end date for this initial publicity was 27/03/2020.

7.2 As a result of the initial statutory publicity period, 10 letters of objection have been received. The concerns raised are summarised as follows:

- Local area has been inundated with planning applications.
- Already an issue with parking on the footways.
- Adverse impact on local amenities that are already at capacity i.e. schools, roads, drainage etc.
- Impact on the carbon footprint and polluting emissions from an increase in traffic.
- Residents will have insufficient driveway space for their cars and will have to park on the busy main road of Westfield Lane which already suffers from on street parking issues.
- Concern that the road widths and sheer number of cars that will be on the plot means that cars, refuse lorries and delivery vans will resort to dangerously reversing on to and parking on the busy Westfield Lane.
- Is there a need and the local capacity for this development as Calderdale Council are already planning a development of 3,000 new homes in the Thornhill Lane garden village proposal between Brighouse and Scholes?
- Concern that the PRoW will be too dark, rendering it unsafe and unusable for a majority of the year due to the boundary treatment associated with the recently built houses and proposed houses.
- It would seem much safer if access to the new development was provided through Brookfields Road.
- Development will cause road disruptions during construction as well as worsen road safety and traffic in this area.
- Can the utilities cope with all these extra houses?
- Overdevelopment / too dense.
- Development on greenfield / 'Garden grabbing' / Greenbelt. Should develop on brownfield sites.
- It will lead to further unwanted development on this road as a precedent will be set.
- Inadequate drainage and sewerage capacity.
- The applicant's drainage and foul sewerage assessment seems unaware of planning application 2013/90068 submitted by Yorkshire Water to alleviate existing drainage problems in this area.
- There is a clear building line along this stretch of Westfield Lane which will be disrupted by this application.
- The new properties will not be in keeping with the others in the area.
- The current garden acts as a wildlife haven and a buffer with the green belt and should not be developed, thus only the brownfield element of the site should be developed.
- Water pressure on this road is poor already and to add another 15 houses to this will only make this worse.

- Adding more houses to the area will only result in even poorer internet speeds for existing residents.
- The new properties will affect residential amenity as they will overlook many residential houses on all boundaries breaching their privacy in both gardens and internal spaces as well as obstruct natural light.
- The public footpath entrance will adjoin the entrance to the new site. This could mean that school children could meet emerging or entering traffic with no warning posing a safety issue.
- Ownership, management and maintenance concerns of the proposed open space areas and the protected trees.
- Loss of trees will impact on flood risk, visual amenity, landscaping, residential amenity (privacy and shading) and have an adverse impact on biodiversity.
- Unacceptable loss and impact on protected trees, as they will need to be thinned as they are too close to the proposed dwelling houses.
- The large branches currently overhanging our property boundary (which currently cause a nuisance and danger due to falling branches) should be pruned to avoid any further damage during construction.
- Dispute traffic survey as too much emphasis is being placed on site residents using public transport and walking to 'local' amenities in Wyke village is absurd given the actual distance in question.
- Strain on local services - local schools and GPs are already at capacity.
- There was previously an application to build a similar number of houses on land at 119 Westfield Lane. This was declined on the basis that the proposal was not in keeping with the characteristics of the local area and the same reasoning applies here.
- There should be more green space per house and taking into account that if you don't provide adequate parking space, the new residents will pave over the whole front gardens.
- Regarding global warming and environmental impact, all the properties should meet stringent building regulations of insulation and efficiency and for the houses on the Greenfield element should benefit from the implementation of renewable heating technology to reduce their carbon footprint.
- Increase in Impermeable surfaces on the top over Hill will have an adverse impact on flood risk downhill. The fields below this site are subject to water logging which will be made worse by the removal of vegetation interception.
- Nowhere in the design proposed is there artistic impression of what the houses look like and whether they fit in with the local buildings.
- The site adjacent 113 Westfield Lane was developed a year prior with four houses on a plot 50 percent the size of this development. Observations of this completed development see that due to overcrowding of an insufficient size plot.
- Trees remaining with existing tree protection orders should be catalogued with photographs prior to any works or development to ensure they are not removed / damaged / cut by builders and not qualified surgeons in the development process.
- There is no consideration for us who live here although we have continued to object to the destruction of this area.
- Light pollution concerns due to new houses security lighting.

- 7.3 Ward members were also consulted regarding the proposal. Cllr Pinnock provided the following comments:

*“Development of the site at the level proposed would present many challenges, particularly to make it in keeping with the surrounding built forms.”*

## 8.0 CONSULTATION RESPONSES:

### Statutory:

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

**Coal Authority:** No objection but request planning conditions securing intrusive site investigations to identify any potential coal mining legacy and the necessary remediation scheme.

**City of Bradford Metropolitan District Council:** No objection.

**Environment Agency:** No comment.

**Health and Safety Executive (HSE):** Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**KC Flood Management:** No objection subject to the imposition of planning conditions in relation to exceedance flow routing; drainage detailed design; management and maintenance; and temporary surface water management plan during construction phase.

**KC Highways Development Management:** No objection subject to the imposition of planning conditions securing details of suitable storage, bin presentation points and access for collection of wastes, details of temporary waste collection arrangements, access sightlines to be provided, construction access, retaining structures and surface water attenuation.

**Highways England:** No objection.

### Non-statutory:

- 8.2 **KC Conservation and Design:** No comment as there are no heritage issues in relation to the site. In terms of design I would suggest that a Building for Life assessment is carried out to inform the design at reserved matters.

**KC Ecology:** No objection subject to planning conditions requiring additional details regarding bats if a Reserved Matters application is not submitted within two years and an Ecological Impact Assessment demonstrating how the proposals will deliver a measurable biodiversity net gain of at least 10%.

**KC Environmental Health:** No objection subject to the imposition of planning conditions regarding land contamination and electric vehicle charging points.



**KC Landscape:** No objection subject to the necessary planning condition securing further landscape details and for a 15 dwelling house scheme an off-site financial contribution of £28,271.00 towards greenspace within the Cleckheaton ward would be required.

**KC Policy:** No comment on the principle of development. Comments provided on the indicative layout and design and the need to consider green belt, local character, public rights of way, passive solar gain and housing mix. An assessment has also been provided on the public space requirement based on an indicative scheme of 15 dwelling houses.

**KC Public Health:** No comment as the application is below the 50+ dwelling threshold for comment.

**KC Public Rights of Way (PRoW):** No objection subject to the imposition of a planning condition securing the relocation of the existing fence to the original boundary alignment.

**KC Strategic Housing:** No objection subject to securing the necessary affordable housing requirement. For a 15 dwelling houses three dwelling houses should be sought that are with two social or affordable rented dwellings and one intermediate dwelling. The affordable houses should be indistinguishable from market housing in terms of both quality and design.

**KC Trees:** No objection. Any reserved matters application will need to take account of the tree constraints on site and ensure the layout is designed around them. In addition, the reserved matters will need to be supported by an arboricultural impact assessment and method statement.

**KC Waste Strategy:** No comment. There are no closed landfill sites within 250m of application address.

**KC Waste Strategy (Refuse & Cleansing):** No objection subject to the imposition of planning conditions securing details of suitable storage, bin presentation points and access for collection of wastes, as well as the details of temporary waste collection arrangements.

**Northern Gas:** No objection

**Yorkshire Water:** No objection subject to planning conditions requiring separate systems of drainage for foul and surface water on and off site and further information regarding surface water drainage works.

**West Yorkshire Archaeology:** No objection. The West Yorkshire Historic Environment Record has been checked and there are currently no known significant archaeological implications to the proposed development. Thus, there is no requirement for archaeological appraisal or evaluation.

**Yorkshire Wildlife Trust:** No objection subject to the imposition of the necessary planning conditions regarding protection of bats, securing a biodiversity net gain and a Construction Environmental Management Plan.

**West Yorkshire Police Designing Out Crime Officer:** No objection to the principle of the development. However, a number of issues have been raised regarding the proposed indicative layout and the PRoW.

## 9.0 MAIN ISSUES:

- Principle of development, land use and sustainability
- Urban design
- Residential amenity
- Impact on highway safety
- Drainage and flood risk
- Landscape, trees and ecology
- Environmental and public health
- Ground conditions
- Climate change
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL:

### Principle of development, land use and sustainability

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 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 and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of an existing dwelling plot associated with 115 Westfield Lane which is in an established residential area that falls within the Wyke-Scholes settlement conurbation. The site is considered to be in a sustainable location with access to shops, services and employment opportunities either associated with Wyke or Scholes. Westfield Lane also provides frequent bus links to the larger settlements of Bradford, Halifax and Leeds.
- 10.4 The application site is not allocated in the Local Plan but is adjacent to land designated as green belt. The proposal could be considered to be a potential windfall housing site located within the Batley and Spen sub area. As such the provision of housing on brownfield sites within this sub-area would accord with the council's spatial strategy as well as Local Plan policies LP1 (Presumption in favour of sustainable development), LP2 (Place shaping) and LP3 (Location of development).
- 10.5 The planning application seeks outline application for the demolition of one dwelling house and the erection of residential development and associated works with details for access to provide an adoptable highway and footpath. An indicative layout shows the potential to erect 15 dwellinghouses and works

to protected trees to facilitate such development. The supporting information states that the site currently contains one dwelling and the replacement of it with circa 15 dwellings makes a more effective and efficient use of the site which is claimed to be wholly underutilised. The supporting information also explains how a density of 35 dwellings per hectare cannot be achieved as per Local Plan policy LP7 due site constraints. These include Tree Preservation Orders and ensuring suitable separation distances with the existing properties.

- 10.6 Officers acknowledge Local Plan policy LP7 clauses a and b, to ensure the best use of land and buildings, with the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and the reuse or adaptation of vacant or underused properties. Additionally, paragraph 122 of the NPPF states how decisions should support development that makes efficient use of land but takes into account a number of clauses, including clause d which states: *“the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change”*. Officers consider that there is scope for residential development given residential dwelling houses can be found on the site’s northern, eastern and southern edges.
- 10.7 Officers are aware that a planning application for the “Demolition of one dwelling and erection of 20 dwellings with garages” was made on the same application site and was refused on 17/05/2007 (reference: 2007/90862). The planning application was made in “full” and the planning application was determined under the previous development plan. As such, a recommendation for approval for the current application is not considered to contradict this previous decision.
- 10.8 Initially the site description for the planning application was for “Outline application for erection of up to 15 dwellings and associated works” However, it was considered that the proposal did not properly demonstrate how it would accord with Local Plan policies LP7 and LP11 in terms of design, housing mix and density. As such, the site description was changed and it was agreed that the type and number of dwelling houses would be agreed at the Reserved Matters stage once all of the site constraints were fully considered and used to inform further design work. If approved, officers recommend a suitably-worded planning condition that restricts the development to a maximum of 15 dwelling houses as officers have assessed the access (only) point as being suitable for this level of development.
- 10.9 Notwithstanding the lack of indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site’s constraints and challenges (relating to the openness of the adjacent green belt, trees, drainage, open space requirements, coal mining legacy, ecology, highways, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (Reserved Matters) application stage.
- 10.10 Given the above, it is considered that the principle of the demolition of the existing dwelling house and the development of a greater number of dwellings with details for access can be considered acceptable. The site is considered to be underutilised and in a sustainable location, within an established residential area. The planning application for residential development would also positively contribute towards meeting the Council’s housing requirement.

## Urban design

- 10.11 This outline planning permission seeks approval of access details and does not include matters of appearance, landscaping, layout and scale. As such, if outline approval was obtained these matters would be determined at the Reserved Matters stage.
- 10.12 An indicative site layout plan shows how 15 dwelling houses could be accommodated within the site. The submitted Design and Access Statement explains how the properties would range from three-bedrooms to three-bedroom units. The site layout plan shows 11 detached dwellinghouses, four semi-detached dwelling units and two garage blocks around a cul de sac with visitor layby parking spaces and a private driveway for four of the dwelling houses. Each dwellinghouse would have curtilage car parking, pathways and private garden spaces. Some dwellings would have integral garages. The site layout plan also shows the provision of small parcels of open space near to the proposed site entrance and in the site's southeastern corner.
- 10.13 The site layout plan shows the inclusion of the protected trees and how the Public Right of Way would be extended in width to a constant 3.2m to reflect its historic route.
- 10.14 Officers consider that the entire application site would be unable to be developed due to the local and national planning policy considerations, as outlined earlier in this report. Furthermore, due consideration would have to be given to Local Plan policy LP24 regarding the characteristics of the application site.
- 10.15 It is acknowledged that the recent development of four dwelling houses at the former 113 Westfield Lane has changed the character of the locality. However, it is considered that the western side of Westfield Lane (between Rooks Close and Public Rights of Way reference: SPE/31/10) is still characterised by large detached dwelling houses set within large dwelling plots. A Nolli map (or figure ground plan) is provided within the Design and Access Statement to ostensibly demonstrate the appropriateness of the proposed urban grain and density of the indicative site layout plan. However, officers on the contrary believe that this diagram demonstrates the need for a more spacious form of development that has more regard to the site constraints and local context.
- 10.16 Such site constraints indicate that the site layout plan should:
- Positively respond to the green belt (and open views) to the west with an appropriate landscape buffer;
  - Positively respond to the Public Rights of Way SPE/31/10 to the east with due consideration for crime prevention and natural surveillance;
  - Acknowledge any coal mining legacy features;
  - Include any necessary on-site drainage and flood routing features; and
  - Ensure that plots do not suffer from long-term shade and leaf litter issues from the protected trees.
- 10.17 The council's Design and Conservation Officer has stated that there are no heritage issues in relation to the site but has suggested that a Building for Healthy Life assessment is carried out to inform the design at the Reserved Matters stage.

- 10.18 Details of elevations, housing mix, house types (including associated amenity spaces), materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.19 The West Yorkshire Police Designing Out Crime officer has also raised concerns regarding how the proposed rear gardens to the properties would either abut open land to the west or the PRoW to the east making them more vulnerable to burglary. Additionally, the indicative site layout would result in a reliance on effective boundary treatment to prevent unauthorised entry into the gardens. Additional advice has also been provided regarding boundary treatments and additional security features, which can all be addressed at the Reserved Matters stage, through a condition which seeks to minimise the risk of crime.
- 10.20 The current site layout and proposal would not accord with Local Plan policy LP24, NPPF Chapter 12 and the National Design Guide. However, as this application is only seeking a matter of access, it is considered that the other matters, including appearance, landscaping, layout and scale can be secured at the Reserved Matter stage that could accord with the above policy considerations.

#### Residential amenity

- 10.21 Paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.22 The necessary separation distances between existing and proposed residential dwellings would be agreed at the Reserved Matters stage. If the indicative plan was to be considered for the matters of “layout” and “scale” then subject to the vegetation that was to be retained, officers would have sought greater separation distance between the proposed residential dwelling houses and 111 Westfield Lane to the north and 24 Brookfields Road to the south. However, officers consider that given the site boundary vegetation and size of the site that acceptable separation distances can be achieved with an appropriate scale of development. Acceptable separation distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.23 The quality and amenity of the future occupiers of the proposed residential accommodation is also a material planning consideration, although it is again noted that details of the proposed development’s appearance, landscaping, layout and scale are reserved at this stage. However, officers consider that a scheme is capable of being provided that provides residents with the necessary amenity space with adequate outlook, privacy and natural light.
- 10.24 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 Westfield Lane, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is also not inherently incompatible with existing surrounding residential uses.

- 10.25 A number of concerns have been raised by residents regarding light pollution. However, officers consider that a residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife. An appropriate lighting design can be secured with the imposition of a suitable planning condition if considered necessary.
- 10.26 Given the site's location within an established residential area a condition requiring the submission and approval of a Construction Management Plan is recommended. The condition would ensure that the necessary measures to address the potential amenity impacts of construction work at this site including dust management would be secured.
- 10.27 Officers consider that the impact on the residential amenity of surrounding occupiers can be sufficiently minimised via suggested conditions and as part of any subsequent reserved matters submission should planning permission be granted. Therefore, this application is considered to accord with policies LP24 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and 15 of the National Planning Policy Framework.

#### Impact on highway safety

- 10.28 The main issue for consideration as part of this outline planning application is "access" and therefore detailed consideration has been given to the impact of the proposed access point at the site. The internal road layout and parking arrangements are not under consideration, and have not been commented on. Therefore, the assessment of the point of access is based on the proposed site access plan and Highways Supporting Statement by AMA Consultants.
- 10.29 Paragraph 108 of the National Planning Policy Framework and policy LP21 of the Local Plan both explain that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree.
- 10.30 The proposal would result in the widening of the existing access point of 113 Westfield Lane to the north east of the application site to include a 5.5m width carriageway and 2m wide footway leading into the site. To facilitate the access point the proposal would result in works to the Public Rights of Way SPE/31/10 access point, the gate/boundary wall and vegetation features.
- 10.31 The tree officer has raised no objections to the loss and/or works to the trees and vegetation in this location as it was considered that the vegetation is in a poor condition. The "landscaping" matter would be assessed at the Reserved Matters stage and it would be expected that the application would be supported by an arboricultural impact assessment and method statement.
- 10.32 The Public Rights of Way officer initially objected to the proposal due to insufficient information. However, the officer no longer objects to the proposal subject to a planning condition that secures the original width of the PRoW, which has been agreed by the applicant.

- 10.33 The site would be accessed via B6379 Westfield Lane which is a single carriageway two-way road, subject to a 30mph speed limit. The street is lit and has footways present along both sides of the carriageway. The street is characterised in parts by grass verges and on-street parking bays. The B6379 Westfield Lane runs in a general north-west / south east alignment providing access to the A58 in the north and to Scholes in the south.
- 10.34 Appendix B of the Highways Supporting Statement shows that an acceptable visibility splay of 2.4m x 43m can be achieved in line with Manual for Streets for a 30mph road. Officers recognise that the visibility splays achieved along Westfield Lane could be of far greater distance given the curvature of the road and the width of the existing verge and footway.
- 10.35 The Highways Supporting Statement states that within the most recent 5 years period there has been one collision within a 200m radius of the proposed site access. Details states that there was a slight in severity collision occurred approximately 65m to the north of the proposed site access junction on the B6379 Westfield Lane. The collision occurred on the 02/09/2016 and involved a single vehicle and a pedestrian. It is therefore considered that there are no existing road safety issues within close proximity to the site.
- 10.36 The Highways Supporting Statement has provided the proposed traffic generation using the industry standard TRICS trip rates obtained for a similar size residential development in an "Edge of Town" area location for the network highway peaks of 08:00 to 09:00 and 17:00 to 18:00. The Supporting Statement claims that based on the anticipated net increase of trips against the existing land use, the proposed residential development based on the indicative proposal would generate a net increase of 10 two-way trips in both the AM and PM peaks. On this basis, the Supporting Statement explains how the trip generation of the proposed scheme is considered to be negligible and would have no noticeable impact on the local highway network.
- 10.37 The Highways Supporting Statement has been reviewed by Highways Development Management officers who explain how the results submitted would suggest 0.5 two-way trips per dwelling were likely in both the morning and evening peak. Officers consider that this seems low, with Kirklees usually expecting a rate of around 0.8 trips per dwelling. Even this more robust figure would only increase journeys on Westfield Lane by 12 vehicles per peak hour – one every five minutes.
- 10.38 Highway Development Management have raised no objection to the proposal in terms of access. Detailed comments have been provided regarding waste storage and collection that can be considered at the Reserved Matters stage. Highways Development Management have requested a financial contribution of £17,672.50 towards a real time information display and residential metro cards, which again can be secured at the Reserved Matters stage. Additionally, planning conditions are sought regarding bin storage and collection, access sightlines, retaining features, and any new surface water attenuation features in the proposed highway footprint. All of these requests are considered necessary to ensure that the planning application accords with paragraph 108 of the NPPF and policy LP21 of the Local Plan, if approval is granted.

### Drainage and flood risk

- 10.39 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. A Drainage Strategy Report prepared by Holgate Consultants was provided and subsequently revised in response to the Lead Local Flood Authority comments.
- 10.40 The Drainage Strategy explains how foul water would preferably connect by gravity into the existing combined public sewer at Westfield Lane, subject to agreement with Yorkshire Water. Also, the Strategy states that if this is not achievable then a pumped discharge may be required for the proposed properties located lower down the site.
- 10.41 The Drainage Strategy explains how the ground conditions may be unsuitable for surface water infiltration but would require further percolation site investigations, which could be secured by planning condition. If infiltration is not possible then the Strategy indicates that there would be an on-site attenuation storage system (estimated at 130m<sup>3</sup> for a 1 in 100 plus 30% climate change allowance) with a discharge limit to greenfield runoff rate of 5.0 litres per second per hectare into a watercourse on third party land at 120m to the west of the site. The proposed discharge rate and strategy is in line with the Lead Local Flood Authority agreements. However, to facilitate the Drainage Strategy, easements would be required that would influence the proposed scale and layout of the development that would be considered at the Reserved Matters stage. It should be noted that there is a risk associated with the applicant not being able to secure the necessary agreements with third party landowners to discharge surface water run-off into this watercourse.
- 10.42 The Lead Local Flood Authority have previously identified a combined public sewer that runs parallel with the site's western boundary. The use of this combined public sewer may be possible to the use of the combined public sewer at Westfield Lane, due to level changes and to avoid using pumping stations.
- 10.43 Therefore, for the planning application to accord with Local Plan policies LP27 and LP28, the necessary planning conditions would need to be imposed to secure exceedance flow routing; drainage detailed design; management and maintenance; temporary surface water management plan during construction; and separate systems for foul and surface water on and off site. Furthermore, these matters would also have to be considered as part of any Reserved Matters application, given the dwelling numbers and site layout are not known at this outline stage.

### Landscape, trees and ecology

- 10.44 This development is in Cleckheaton Ward which is currently deficient in quantity in the open space types including, Parks and Recreation grounds and amenity greenspace and deficient in natural and semi natural in terms of accessibility, so all these will be required. A residential development on this site would trigger the requirement of a Local Area of Play (LAP), which officers consider would be better as an off-site contribution elsewhere in the district, such as toward the existing facility at Scholes recreation. If this application is approved, then once the quantum of development is agreed at



Reserved Matters stage, the necessary financial contribution can be secured via condition and subsequent S106 Agreement. As such, subject to this condition, the proposal would accord with policy LP63 of the Local Plan.

10.45 There are a number of mature trees and woody vegetation on the site. The site contains the following Tree Preservation Orders:

- Northern boundary - 10a/06/g1, 10a/06/g2
- Eastern boundary - 10a/06/t1, 10a/06/t2, 10a/06/t3, 10a/06/t4, 10a/06/t5, 10a/06/t6, 10a/06/t7, 10a/06/t8
- Southern boundary - 10a/06/t9, 10a/06/t10, 10a/06/t11, 10a/06/t12, 10a/06/t13, 10a/06/t14

10.46 In accordance with regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 any permission for works to protected trees cannot be granted with this outline planning application. Therefore, any proposed works to protected trees would require a full planning application. The planning application is supported by an Arboricultural Report and a tree constraint plan. Works to facilitate an appropriate access point, as well as for health and safety reasons would mean the removal or works to the trees on site, including protected trees. The tree officer has raised no objections to this proposal. Further details would be required at Reserved Matters stage to ensure that an appropriate mitigation scheme was secured in accordance with Local Plan policy LP33.

10.47 A Preliminary Ecological Appraisal (PEA) was been submitted with the application which recommended further bat surveys of the buildings on the site. Bat surveys were carried out and provided during the course of the planning application and concluded that bats were likely to be absence from the buildings on site. The Yorkshire Wildlife Trust and the Council's Ecologist have no objections to the proposal. If this application is approved, then a planning condition is required seeking further bat survey work if a Reserved Matter application is not provided within two years. Given the number of dwelling units, the landscaping scheme and the layout are yet to be decided, a planning condition and (if necessary) subsequent S106 Agreement ensuring that the development delivers a biodiversity net gain is also considered necessary. Therefore, the planning application subject to the mentioned planning conditions can be considered to be in accordance with Local Plan policy LP30.

#### Environmental and public health

10.48 In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the Local Plan policy LP24, NPPF paragraph 105 and the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary if the application is approved.

10.49 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Given that matters such as the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to minimise crime and anti-social behaviour, and other matters, can be secured at the Reserved Matters stage it is considered that the proposed development would not have negative impacts on human health.

- 10.50 Regarding the social infrastructure currently provided and available in the Scholes and Wyke conurbation 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.
- 10.51 The application site falls within the middle and outer zones of the Hazardous Material Site, Nufarm Ltd, Wyke Lane, Bradford. The Health and Safety Executive advice does not advise against the proposed development.

#### Ground conditions

- 10.52 The application site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority records indicate that the application site is underlain by probable unrecorded coal mine workings at shallow depth. This matter is also recognised in the applicant's Phase 1 Desk Study and Geo Environmental Appraisal (Mugen Geo Ltd, October 2019). Accordingly, the report recommends that intrusive site investigations should be undertaken to determine the exact ground conditions and the presence or otherwise of shallow mine workings. If workings are encountered with the potential to influence surface stability then they should be appropriately consolidated. However, Environmental Health have identified that the Conceptual Site Model fails to make any mention of possible shallow coal workings at the site and consequently concludes that an intrusive investigation of the site regarding contamination is not necessary. Therefore, to accord with Local Plan policy LP53 and NPPF chapter 15, officers recommend that the necessary land contamination and ground stability conditions are imposed.
- 10.53 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.

#### Climate change

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

10.55 The applicant has not specifically addressed how climate change has been considered as part of this proposal. However, officers recognise that the proposal involves the reuse of an existing dwelling plot within the Scholes-Wyke conurbation which could represent an efficient use of resources and so in this sense the development limits the impact on climate change. Conditions are recommended requiring a travel plan, sustainable travel fund and electric vehicle charging points which will promote low carbon forms of transport which will help to mitigate the impact of the development on climate change.

### Representations

10.56 A summary of the issues raised and associated responses are provided as follows:

- Local area has been inundated with planning applications.
- There is no consideration for us who live here although we have continued to object to the destruction of this area.  
**Response:** Concerns noted but these are not reasons as to why this planning application should be refused.
- Already an issue with parking on the footways
- Residents will have insufficient driveway space for their cars and will have to park on the busy main road of Westfield Lane which already suffers from on street parking issues  
**Response:** Noted. This planning application does not seek to secure the matters of scale or layout for the proposed development. The Council has not set local parking standards for residential development. However, for new residential development the Highway Design Guide Supplementary Planning Document sets initial points of reference, which officers would seek as part of this development at the Reserved Matters stage.
- Adverse impact on local amenities that are already at capacity i.e. schools, roads, drainage etc.
- Impact on the carbon footprint and polluting emissions from an increase in traffic
- Concern that the road widths and sheer number of cars that will be on the plot means that cars, refuse lorries and delivery vans will resort to dangerously reversing on to and parking on the busy Westfield Lane
- Is there a need and the local capacity for this development as Calderdale Council are already planning a development of 3000 new homes in the Thornhill lane garden village proposal between Brighouse and Scholes.
- Concern that the PRow will result in being too dark, rendering it unsafe and unusable for a majority of the year due to the boundary treatment associated with the recently built houses and proposed houses.
- It would seem much safer if access to the new development was provided through Brookfields Road.
- Development will cause road disruptions during construction as well as worsen road safety and traffic in this area  
**Response:** Concerns have been raised regarding dust, noise and disturbance associated with construction traffic. This matter would be addressed by a condition requiring the submission and approval of a Construction Management Plan and is therefore recommended. The necessary conditions-stage submission would need to sufficiently address

the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.

- Can the utilities cope with all these extra houses? Adding more houses to the area will only result in even poorer internet speeds for existing residents
- Adding more houses to the area will only result in even poorer internet speeds for existing residents
- Water pressure on this road is poor already and to add another 15 houses to this will only make this worse.
- Inadequate drainage and sewerage capacity
- The applicant's drainage and foul sewerage assessment seems unaware of planning application 2013/90068 submitted by Yorkshire Water to alleviate existing drainage problems in this area.

**Response:** The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services. Furthermore, utility companies have a statutory duty to provide the necessary infrastructure.

- Overdevelopment / too dense
- Development on greenfield / 'Garden grabbing' / Greenbelt. Should develop on brownfield sites.

**Response:** Although, the application includes a site layout plan showing how 15 dwelling houses could be accommodated on the site, the application is only seeks approval for the access into the site for a residential development. Officers believe that a residential development that considers the site constraints and accords with Local Plan policies LP7, LP11 and LP24 can be achieved.

- It will lead to further unwanted development on this road as a precedent will be set.
- There is a clear building line along this stretch of Westfield Lane which will be disrupted by this application.
- The new properties will not be in keeping with the others in the area.
- There was previously an application to build a similar number of houses on land at 119 Westfield Lane. This was declined on the basis that the proposal was not in keeping with the characteristics of the local area and the same reasoning applies here.
- The site adjacent 113 Westfield Lane was developed a year prior with four houses on a plot 50 percent the size of this development. Observations of this completed development see that due to overcrowding of an insufficient size plot.

**Response:** Officers do not consider that the subdivision of this development plot would result in the residential development that is out of character with the rest of the locality as the site is surrounded by development on all three sides (unlike of plots on Westfield Lane). Matters of scale and layout would also be considered at the Reserved Matters stage.

- The current garden acts as a wildlife haven and a buffer with the green belt and should not be developed, thus only the brownfield element of the site should be developed.

**Response:** No objections have been raised by the Yorkshire Wildlife Trust and the Council's Ecologist have no objections to the proposal, subject to the necessary planning conditions. An appropriate residential layout and landscaping scheme would be sought at the Reserved Matters stage that provided a suitable buffer with the Green Belt and secured the necessary landscape infrastructure to promote a biodiversity net gain.

- The new properties will affect residential amenity as they will overlook many residential houses on all boundaries breaching their privacy in both gardens and internal spaces as well as obstruct natural light.
- Light pollution concerns due to new houses security lighting.

**Response:** Officers consider that an appropriately designed residential development can be achieved with the necessary separation distances to protect residential amenity. Environmental Health officers have raised no objections to the proposal subject to the imposition of planning conditions.

- The public footpath entrance will adjoin the entrance to the new site. This could mean that school children could meet emerging or entering traffic with no warning posing a safety issue.

**Response:** Highways Development Management and the Public Rights of Way officer have not raised any concerns regarding this matter. If considered necessary, it is considered that the detailed design of the PRow could be secured by way of planning condition.

- Ownership, management and maintenance concerns of the proposed open space areas and the protected trees.
- Loss of trees will impact on flood risk, visual amenity, landscaping, residential amenity (privacy and shading) and have an adverse impact on biodiversity.
- Unacceptable loss and impact on protected trees, as they will need to be thinned as they are too close to the proposed dwelling houses.
- The large branches currently overhanging our property boundary (which currently cause a nuisance and danger due to falling branches) should be pruned to avoid any further damage during construction.
- Trees remaining with existing tree protection orders should be catalogued with photographs prior to any works or development to ensure they are not removed / damaged / cut by builders and not qualified surgeons in the development process.

**Response:** Matters of layout and landscaping are not sought as part of this planning application. It is usual procedure that the Council secures an appropriate management and maintenance landscape plan for such development proposals. The tree officer has raised no objections to works to the protected trees to facilitate the proposed access point as that are in a poor condition. However, such works would require a full planning application and would have to be supported by an arboricultural impact assessment and method statement to fully understand the proposed impacts. As outlined in the Planning Practice Guidance Paragraph 002 Reference ID: 36-002-20140306: *“Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority. As with owners of unprotected trees, they are responsible for maintaining their trees, with*

*no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.”*

- Dispute traffic survey as too much emphasis is being placed on site residents using public transport and walking to 'local' amenities in Wyke village is absurd given the actual distance in question.

**Response:** The application site is an existing residential plot within a built up area with access to local amenities. As such, officers consider that the proposal would accord with Local Plan policies LP1, LP2, LP3 and LP20. Highways Development Management have raised no objections to the proposal.

- Strain on local services - local schools and GPs are already at capacity  
**Response:** The quantum of development has yet to be agreed. However, officers believe that given the size of the site and its site constraints that a suitable residential development can be accommodated that does not have an adverse impact on local services.

- There should be more green space per house and taking in to account that if you don't provide adequate parking space, the new residents will pave over the whole front gardens.
- Nowhere in the design proposed is there artistic impression of what the houses look like and whether they fit in with the local buildings.
- Regarding global warming and environmental impact, all the properties should meet stringent building regulations of insulation and efficiency and for the houses on the Greenfield element should benefit from the implementation of renewable heating technology to reduce their carbon footprint.

**Response:** The planning application does not seek approval of matters such as appearance, scale, landscaping and layout. These matters would be agreed at the Reserved Matters stage. Therefore, parking provision, elevational treatments and the development's carbon footprint would be better understood and assessed at this stage.

- Increase in Impermeable surfaces on the top over Hill will have an adverse impact on flood risk downhill. The fields below this site are subject to water logging which will be made worse by the removal of vegetation interception.

**Response:** The necessary planning conditions would ensure that an appropriate drainage strategy secures a reduction in surface water run-off, avoiding flood risk elsewhere in accordance with Local Plan policies LP27 and LP28.

### Planning obligations

- 10.57 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with Local Plan policy LP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.

- 10.58 Public open space is required under Local Plan policy LP63. At outline stage, a condition can be imposed requiring the provision of public open space (which may take the form of an off-site lump sum contribution).
- 10.59 An education contribution may be required. This would depend upon the number of units proposed at this site, and the sum would be determined at Reserved Matters stage. A relevant condition is recommended.
- 10.60 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a Reserved Matters application is considered. The provision of a Travel Plan and Metro cards for residents may be appropriate. The need for such provisions would be determined at Reserved Matters stage, and a relevant condition is recommended.
- 10.61 Section 106 provisions relating to drainage maintenance, management and adoption may also be necessary. These matters would be considered further at Reserved Matters stage.

#### Other Matters

- 10.62 As outlined in section 4.0 of this report, the application site and the surrounding area have seen a number of planning applications for the demolition of buildings and the provision of a number of dwelling units. It is noted that in 2007, the site itself had such a planning application.
- 10.63 Although, officers consider these applications to be material considerations, it should be noted that they were determined under a different planning policy context. Each planning application should be determined on their own merits. Furthermore, the previous planning application for this site was for full planning permission, not an outline application with all matters reserved except for access.

### **11.0 CONCLUSION**

- 11.1 The site is not within the green belt and consists of residential plot surrounded by residential development on three sides. The Local Plan and the NPPF allows for redevelopment of such sustainable locations where the development would not have an inappropriate impact on the character of the local area. Officers consider that the principle of an access point to facilitate a larger residential development at this site is acceptable.
- 11.2 The site is constrained due to its relationship with the adjacent green belt, Public Right of Way, trees, ecology, drainage, neighbour amenity, coal mining legacy and other planning considerations. While these constraints would necessitate careful and detailed consideration at Reserved Matters stage, none are considered to be prohibitive to the principle of residential development at this site. Therefore, it is recommended that outline permission be granted.

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 and further consideration at Reserved Matters stage, 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. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Full detailed design for drainage including pipe and manhole schedule.
7. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
8. Full details of the proposed means of managing surface water during the construction including silt management to prevent blocking up of drainage systems.
9. 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. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. A comprehensive schedule of hard and soft landscaping and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority.
12. Provision of an arboricultural impact assessment and method statement, in accordance with BS 5837.
13. Submission of an Ecological Impact Assessment (EclA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at least 10%.
14. Submission of a Bat Activity Survey if in the event that an application for reserved matters is not made within 2 years of the date of the survey undertaken on the 26th May 2020.
15. Submission of a Phase 1 Preliminary Risk Assessment Report.
16. Submission of a Phase 2 Intrusive Site Investigation Report.
17. Submission of a Remediation Strategy.
18. Implementation of a Remediation Strategy.
19. Submission of a Validation Report.
20. Provision of Electric Vehicle Charging Points.
21. Details securing appropriate width of Public Right of Way (Public footpath Spenborough 31).
22. Affordable housing contribution if over 11 or more dwelling units.



23. Public open space contribution.
24. Education contribution.
25. Suitable storage, bin presentation points and access for collection of wastes from the dwellings.
26. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
27. Provision of sightlines of 2.4m x 43m that are free from obstructions, exceeding 1m in height.
28. Point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
29. Provision of details of retaining walls and features adjacent to the existing/ proposed adoptable highways.
30. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint
31. Access to serve a maximum of 15 dwelling units.
32. Within first three months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.
33. Sustainable travel.
34. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
35. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
36. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.

**Background Papers:**

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90436>

Certificate of Ownership – Certificate B signed and dated 05/02/2020