
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

Subject: Planning Application 2020/91146 Outline application for erection of residential development land west of, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL

APPLICANT

Fairbank Investments Ltd

DATE VALID

15-Apr-2020

TARGET DATE

15-Jul-2020

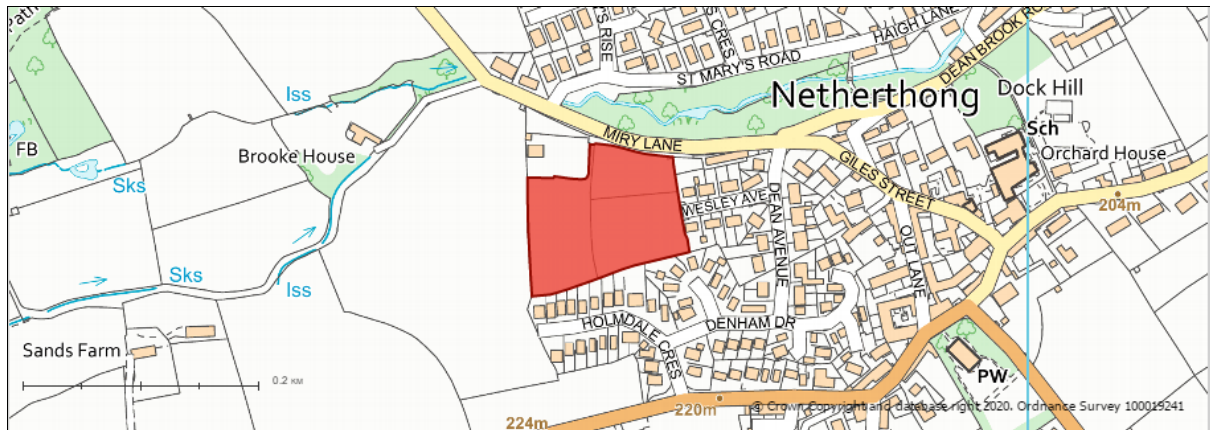
EXTENSION EXPIRY DATE

29-Jan-2021

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: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

- 1) Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
- 3) Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
- 4) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals;
- 5) A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).

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 application seeks outline planning permission for the residential development of a site allocated for housing within the Kirklees Local Plan. The application is submitted with all matters except access reserved. The supporting statements are based upon a capacity of up to 36 dwellings.
- 1.2 In accordance with the Council's Scheme of Delegation, it is brought to this Sub-Committee due to the significant volume of local opinion on the proposal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies on the western edge of the settlement of Netherthong. It is a Greenfield site that extends to 1.22 hectares. It is broadly 'L' shaped in form and presently constitutes three fields/paddocks used for grazing. Along its northern boundary, the site adjoins Miry Lane and the garden to The Old Parsonage, a detached dwelling set within generous grounds (this property is

noted on the O.S. Map as the Vicarage and referred to as both in this report). Wesley Avenue lies to the east and the site physically adjoins the gardens of 11 and 12 Wesley Avenue and the detached property at 5 Miry Green Terrace. The rear gardens of properties on Arley Close and Holmdale Crescent adjoin it to the south with open fields within the Green Belt to the west.

- 2.2 The character of the site is presently that of an open field with natural stone walls to its perimeter. Topographically, it slopes gradually from the south towards the north before falling more steeply towards Miry Lane. Mature tree planting exists within the garden of The Old Parsonage, which are protected by a Tree Preservation Order (TPO). There is a sycamore and oak along the boundary with Miry Lane within the site and a further group of trees along the southern boundary.
- 2.3 The prevailing context of the residential dwellings that bound the site to the south and east on Wesley Avenue, Holmdale Crescent and Arley Close is circa 1960s modern housing development. The properties comprise a mixture of detached bungalows and detached and semi-detached two storey houses constructed mainly in brick and artificial stone. These dwellings have a clear planned form. They are typically set back from the road along a broadly consistent building line with mature front gardens that are either open or bounded by a low stone wall with generally longer gardens to the rear.
- 2.4 Along Miry Lane and within Netherthong are more traditional stone dwellings. Opposite the site on Miry Lane is an area of protected woodland, which is part of a Wildlife Habitat Network. These areas, along with the Old Parsonage, fall within the Netherthong Conservation Area (CA), which adjoins the site boundary to the north/north-east.
- 2.5 The application site is identified as a Housing Allocation (HS184) within the Kirklees Local Plan Site Allocations and Designations (February 2019). It is referenced as '*land to the West of, Wesley Avenue, Netherthong, Holmfirth*'. The site allocation refers to a gross site area of 1.24 hectares, a net site area of 1.09 hectares and an indicative capacity of 38 dwellings.
- 2.6 The Site Allocation confirms that the developable area is reduced to reflect the steep part of the site and to preserve the setting of the Netherthong Conservation Area, which adjoins its boundary to the north and north-west. As a consequence, it identifies a site specific consideration that the northern part of the site, immediately adjacent to Miry Lane, should remain open to safeguard the setting of the Conservation Area. In terms of constraints, the Site Allocation refers to limited surface water drainage options, third party land required to achieve a drainage solution and that the site is close to a Conservation Area.

3.0 PROPOSAL:

- 3.1 This application seeks outline planning permission for the residential development of the site for up to 36 dwellings. All matters except access are reserved for future consideration. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

'Accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

This application therefore seeks to consider the principle of residential development and the means of access only. The agent has clarified that access, for the purpose of this application, is the means of access 'to' the site and not 'within' it.

- 3.2 Matters of layout, including the provision of access within the site, the appearance of the dwellings, their scale and landscaping (the Reserved Matters) are therefore reserved for future consideration. Accordingly, such matters do not form part of the assessment of this proposal.
- 3.3 Vehicular access would be taken from Wesley Avenue as an extension to the existing road. Wesley Avenue is currently a cul-de-sac, with a carriageway width of approximately 4.9 metres serving 12 residential properties and a turning head at the end, in front of Nos. 11 and 12 Wesley Avenue. The turning head would become redundant as a result of this development and the vehicular access would continue from Wesley Avenue along a broadly straight alignment.
- 3.4 The application is supported by a Design and Access Statement and an indicative site plan. As originally submitted, this indicated the provision of 36 dwellings. It was subsequently revised in the course of the application to 33 dwellings following initial comments made on the layout and also in response to matters raised by Highways with regard to the access into the site. However, layout is a Reserved Matter so that the number of dwellings remains purely indicative. Furthermore, the supporting documents, including the Transport Statement and the assessment of traffic generation, have been based upon a maximum of 36 properties. Consequently, 36 is the maximum number of dwellings to be assessed as part of this application.
- 3.5 For information, the illustrative layout shows that the initial section of highway would be a traditional residential estate road. Within the site, the road hierarchy would then change to a shared surface. It would incorporate turning head(s) within a cul-de-sac(s) arrangement to serve the properties. In terms of housing type/mix, the illustrative scheme indicates the provision of a range of 2, 3 and 4 bedroom units.
- 3.6 The applicant has also submitted a parameters plan to identify specific site constraints to be taken forward into the layout to be submitted at Reserved Matters stage. This includes the retention of the open land to front of the site to safeguard the setting of the Netherthong Conservation Area, ensuring that no gardens are wholly or substantially within the root protection area of protected trees (to maintain a satisfactory distance between them) and to ensure that appropriate regard is had to the living conditions of existing and future occupiers.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There are no recent planning applications on the site of relevance to this proposal.

- 4.2 It is noted, however, that as part of the consultation exercise, local residents have made reference to previous planning appeal decisions on the site, including the following:

APP/5113/A/76/1174 (1976)

An outline application for planning permission was refused by Kirklees on 8th August 1975. It is understood that the subsequent appeal was dismissed on the grounds that development on the site would be injurious to the rural character of the area; insufficient access from the existing streets and that the road to the side of the site would be incapable of taking the increased traffic that new development would bring.

APP/5113/A/79/2558 (1980)

This appeal related to an application for outline planning permission refused on 25th August 1978 (78/60/04313/CL). It is understood that the refusal related to the fact that the site lay outside an area allocated for residential purposes at that time, that it would represent an undesirable extension of development from the village in a prominent location and that it would increase the concentration of traffic in the vicinity. The residents advise that this appeal was dismissed on the grounds that the roads within Netherthong were deemed too narrow and any increase in the number of vehicles using these roads could result in the risk of greater problems between pedestrians and vehicles.

- 4.3 Whilst a previous appeal decision(s) is capable of being a material consideration, these are over 40 years old. Consequently, there has been a clear material change in circumstances, principally with regard to planning policy, which has altered significantly since their determination. Both decisions obviously pre-date the Local Plan (2019), the National Planning Policy Framework (NPPF) (originally published in 2012) and National Planning Policy Guidance (2014-2020). As a result, it is considered that these previous appeal decisions attract no weight in the current decision-making process.

- 4.4 It is acknowledged that there have been other more recent residential developments within Netherthong. These include the following:

2018/90192 and 2019/92879: Land adjacent to 8 Miry Lane, Netherthong.

This is a development of 22 homes with the initial application approved by the Huddersfield Sub-Committee on 17th May 2018. This development is currently under construction.

2013/93271: Land off St Mary's Avenue: Outline application for the erection of residential development)

This outline application was refused by the Huddersfield Sub-Committee on 3rd April 2014. It was refused, against a positive Officer recommendation, on the grounds that it would not constitute sustainable development because the site lies in an area of restricted accessibility, resulting in an over-reliance on the use of the private car which was considered undesirable in this location given the restrictive nature of the local highway network. It was also considered to result in an increase in traffic on the local highway network, to the detriment of highway safety, given the roads in the vicinity of this upland settlement have not been designed to modern highway standards.

This decision was appealed (APP/Z4718/A/14/2219016). The Inspector subsequently allowed the appeal in July 2014 and granted outline planning permission. In her decision, which was determined with regard to the National Planning Policy Framework, she concluded, amongst other matters, that the site was adjacent to the built edge of the village and not geographically isolated from other housing. She acknowledged that future occupiers could access some local services by sustainable means but recognised they would also be reliant upon the private car for a proportion of essential trips outside the village. With regard to highway safety, the Inspector noted that Netherthong has a traditional pattern of narrow and steep lanes, which is typical of many villages in the locality. However, taking into account the position of the development and the limited number of additional vehicles the proposal would add to the village overall (25 two way peak hour movements in the morning (0800 to 900) and 27 movements in the evening (17.00 to 18.00)), she concluded that the proposal would not be detrimental to highway safety in the village.

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

5.1 In the course of the planning application, the applicant has been asked to provide some additional information/clarification in response to statutory and non-statutory consultation responses. This led to the applicant revising the indicative site plan from 36 dwellings to 33 dwellings, which also remains illustrative at this stage. Other revisions to the scheme included the following:

- Extinguishment of the hammerhead element of the carriageway relating to the existing turning head on Wesley Avenue to provide a more standard estate road design;
- Provision of a footway into the site;
- Further drainage information about flow routing through the site and the condition of Dean Brook (watercourse);
- Submission of an Arboricultural Method Statement;
- Provision of a parameters plan to identify key constraints to be addressed at Reserved Matters stage.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019)

6.2 The site is allocated for residential development in the Local Plan (Site Reference HS184) with an indicative capacity of 38 dwellings. Identified constraints are cited as limited surface water drainage options, third party land required to achieve drainage solution and that the site is close to a Conservation Area.

6.3 The following policies are most relevant to the consideration of this application:

- LP1** – Presumption in favour of sustainable development
- LP2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP11** – Housing mix and affordable housing
- LP20** – Sustainable travel
- LP21** – Highways and access
- LP22** – Parking
- LP24** – Design
- LP26** – Renewable and low carbon energy
- LP27** – Flood risk
- LP28** – Drainage
- LP30** – Biodiversity and geodiversity
- LP32** – Landscape
- LP33** – Trees
- LP34** – Conserving and enhancing the water environment
- LP49** – Educational and health care needs
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP63** – New open space
- LP65** – Housing allocations

Neighbourhood Development Plans

6.4 Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

Supplementary Planning Guidance / Documents:

6.5 The most relevant SPG/SPD document is the following:

- Highways Design Guide SPD (2019)
- Kirklees Interim Affordable Housing Policy (2020)
- Providing for Education Needs Generated by New Housing (2012)

National Planning 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. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

- Chapter 7:** Requiring good design
- Chapter 9:** Promoting sustainable transport
- Chapter 11:** Conserving and enhancing the natural environment

6.7 The following national guidance and documents are also relevant:

National Design Guide (2019) - The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

Climate change

6.8 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.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was originally advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in the Huddersfield Examiner (8 May 2020). It was also advertised by means of direct neighbour notification letters that were sent on 28 April 2020. A total of 180 representations were received objecting to the development.

7.2 There is no statutory requirement under the DMPO to undertake any further consultation on revised proposals. Nonetheless, letters were sent to all interested parties on the revised layout (albeit illustrative), additional drainage details and Arboricultural Method Statement. A further 27 objections were received.

7.3 In total, there have been 207 letters of objection to this proposal. The representations can be viewed in full on the Council's website at <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91146>. A summary of the issues raised in the responses is set out below:

Highway and Transport Issues

- There is no access agreed to the site. The two houses that own the boundary land at the end of Wesley Avenue adjacent to proposed access point. Why is this planning application being considered when there is no guarantee that the site can be developed even if planning is granted?
- The roads are not big enough for the extra traffic;

- There is a very steep access road to Oldfield, which is not fit for extra traffic;
- The roads away from the site have no footpaths so children leaving for school in the morning have to walk on the road creating a safety issue;
- Every road that enters and exits the village is currently without a pavement and there is no provision for this to be changed;
- The rural approach to the village is unlikely to benefit from the Meltham road. Buses already struggle to get through the village and public transport is already under strain both in its operation but also on the impact of the village flow;
- Major congestion issues already at the Church St, New Road, Town Gate junctions;
- Roads around Netherthong are in very poor condition;
- Already too many cars through the village;
- Access would put pressure on the road through the Denholm estate and with the added pressure of the Miry Lane development, in addition to the amount of traffic that has grown since the Cricketers development;
- The road networks of Netherthong are not suitable for a further increase in cars. The 30 new houses in Deanhouse (plus a further 22 on at Mary's) have contributed to the situation worsening;
- The approach to this development would be through an existing estate, which lacks sufficient parking as it was built prior to 2 car ownership per house so parked cars would make the approach difficult;
- The school is oversubscribed and cars within the village at both morning and afternoon drop off and pick up can lead to complete gridlock which can cause issues for 20-30 minutes either side of the school day. There is no more capacity for more children and more cars;
- The documents talk about access for walking and cycling - it fails to mention Netherthong is on top of a hill, most people do not cycle or walk from Netherthong, car ownership is a necessity to live in this village;
- The proposal will double or triple the number of people using Wesley Avenue, which is already too narrow;
- Since the field at the end of Saint Mary's Avenue was built (by Jones homes) the traffic has been horrendous and speed of traffic is an issue;
- The planning for houses was put forward in the late 1970s and was turned down because Wesley Avenue is not wide enough restricting access. Nothing has changed since;

- All the link roads into the village are very narrow and originally used by horse and cart built in the 17 and 1800s. Nothing has been improved on them since and no pavements added;
- The Travel Plan does not reflect people's habits. People use their cars and will continue to do so in such a rural area;
- Buses are limited;
- There will be an unacceptable impact to the residents of Deyne Avenue estate but particularly to the residents of Wesley Avenue. 36 houses will produce at least 60 cars. (journeys in and out likely to be at least 2 per day per car plus other vehicles would mean at least another 100 cars down Deyne Avenue and along Wesley Avenue;
- Wesley Avenue is very narrow. All residents have to park on the roadside due to the steepness of the driveways to their homes. They have to park well onto the footpath to ensure delivery, emergency, refuse and other cars can access houses at the closed end of the Avenue;
- Planning was refused in Aug 1978 on 2 of the 3 fields and refused again on appeal in March 1980 after being referred to the building inspector. The roads have not altered or been improved since then. And to make matters worse, 30 more homes have been built at the Orchards and 22 are in the process of being built on Miry Lane;
- The strip of land at the end of Wesley Ave is understood to be privately owned and unless the owners have sold the land (and we are informed that they have not) then the development cannot be entered by way of Wesley Avenue;
- The TA states that there are a wide range of amenities within walking distance including Holmfirth, Aldi, Lidl and the Co-op Foodstore. Is it realistic to see residents shopping at any these stores and then walking up New Road to an estate on the other side of Netherthong Village with their shopping?
- The number of trips made by public transport is modest and can easily be accommodated within the existing structure. They could well be right as most bus trips are made by empty buses which in turn proves that people don't travel by bus anymore, they travel by car;
- The proposed development does not have immediate access to good, main roads. All its traffic will funnel onto Wesley Avenue, Dean Avenue and Holmdale Crescent, which are only distributor roads lined with houses. They are steep and winding, unsafe and unsuitable for more traffic;
- None of the three roads from Netherthong down to Huddersfield Rd have a pavement for pedestrians or any kind of speed control. This is a serious safety concern and it feels very dangerous as a pedestrian;

- Access to the village as a whole has its challenges, every road except Moor Lane is a single track road or so narrow oncoming traffic is required to pull over at passing points. Winter access is further hampered by regular flooding and snow drifts;
- There are three viable routes to walk out of the village. Two at Dean Bank Rd and Thong Lane have no pedestrian or speed control infrastructure. Thong Lane, the walking route to and from Holmfirth High School, has a blind walled corner half way down that is currently covered in broken glass from accidents. Ironically it has just been resurfaced, increasing the traffic speeds noticeably. The third route is New Road, which has a token white painted line for pedestrians;
- Parking in the village is already a massive problem and I think that extra housing would exasperate this causing even more problems for pedestrians;
- The centre of the village at the church is already a pinch point with a single lane at one point and when cars are parked outside the church, another single lane is created;
- The proposed access to this development is unsuitable due to the narrowness of the road and the lack of off road parking for residents;
- All access roads into the village are small narrow roads and already require vehicles to stop and pull in to pass each other;
- The proposed access road, Wesley Avenue is narrow - it is 1.1 metres narrower than the access roads to the two recently allowed developments and would create major problems for both existing residents and new families;
- It is virtually impossible for cars belonging to residents on the North side of Wesley Avenue to park on or access their "drives" because of the steepness of the gradient forcing them to always park on the road carriageway.
- An increase in traffic from this development and 2 recent developments is going to put added pressure on the B6107 and the A6024;
- There is only one bus per hour to Huddersfield and Holmfirth (308) and 1 mini bus per hour to Holmfirth or Slaithwaite (335). Honley to Holmfirth 2 per day (309). No evening services and No Sunday service. Nearest railway station is 3km. at Brockholes, a good 30 to 40 min walk away;
- Traffic levels are already too high and at school times you cannot travel around the village for people not living in the village coming to pick children up. The Council need to consider yet again to make the village one way on Giles Street and Outlane;
- Wesley Avenue is unsuitable as an access road, measuring approximately 5m. Residents have to park partly on pavements as drives are too steep and narrow for modern day vehicles, thus making

this a single track road, leaving sufficient room for emergency vehicles and refuse collections. On occasions delivery vehicles have to block this road;

- The roads are constantly full of pot holes from the significantly increased traffic over the last few years, It is almost impossible to park within 10 metres of our own house in the centre of the village, which makes carrying heavy loads for my work very difficult, and causes constant friction between neighbours;
- The road through the village should be a 20mph limit already;
- There is heavy traffic coming through the village already, up New Road past the Londis shop as a cut through, and sometimes up Thong Lane when a sat nav has guided an enormous truck up the wrong way. It is a lovely village to live in but it already has its issues with the number of people passing through on a daily basis;
- It is now quite dangerous to be a pedestrian or cyclist in the village at school pick up and drop off times;
- Moor Lane, Dean Brook Road, New Road and Thong Lane have no pavements to offer protection to a pedestrian or cyclist and they are inundated with cars parking making the road impassable on foot.;
- The historic Netherthong 10k route, starting at school and running up Moor Lane and around the village area, is now proving quite dangerous with the amount of cars using the village roads and none of the roads have pavements;
- Object to more houses being built as this will increase traffic and reduce personal active modes of transport and discourage parents from encouraging their children to walk or cycle to and from school, or just simply go out for a nice jog around the village;
- Transport survey inaccurate and biased towards its' financier. Public transport is unreliable and stops at 6pm or before in inclement weather;
- What diversions, tactical slowing down, tactical restriction of vehicle size or easing of congestion can be provided to the lanes in the village centre, Dean Avenue and Denholm Drive to offset the additional local road use as a result of this development?
- The developers Transport Statement states only one incident in the past 5 years; this is no way able to represent the change in traffic volume and the problems this causes in the village on a daily basis. There are many incidents of grid lock around the Church and the shop, which often leads to ill-judged and sudden movements;
- The state of the roads in Netherthong is poor and this development will add to wear and tear. The site traffic and extra volume from the development at St Mary's has left damage for all to see in this area and others;

- Thong Lane is another route into Netherthong, it is narrow fast, has poor forward visibility and no footpath. This is the route that the kids of Netherthong use to walk to Holmfirth High School.
- Moor Lane is not safe to walk along. It “pretends” to be a two way road. It isn't. It just has lines down the middle of it.
- It cannot be assumed that people buying the new houses will walk to all the amenities proposed. No one with a car would walk 1.5k to do a family food shop and be able to carry it 1.5km back up hill;
- As there are no suitable roads for the huge construction vehicles, traffic is regularly at a standstill and even the weight of general traffic means vehicles having to travel on small or no pavements. Emergency vehicles needing access would be regularly blocked as everything comes to a standstill;
- If children going to school from this proposed estate were to walk they would need to walk down Dean Brook Road with no pavement, and then up the steps, or up Giles Street and onto Church Street, both of which have tiny or no pavements;
- The application states that there are bus stops on Wesley Avenue which is not the case, the bus is a hail and ride service on Dean Avenue;
- People do not walk to the doctors or to the supermarket and most people use their vehicles for such journeys so the argument that people will walk and not use their cars is not accepted;
- The width of the carriageway on Wesley Avenue does not appear to support a housing development as it only measures 5 metres wide. To service the number of properties the carriageways are normally 5.5 metres in width at least, which is the standard width for housing estate roads;
- At the bottom of Dean Avenue if you are traveling north at the crossroads with Miry Lane and Deanbrook Road there is very poor visibility and is a grave traffic concern as cars traveling could easily have an accident due to this poor visibility. Due to the steep incline also at the junction at the end of Dean Road when it is poor weather conditions it is also an accident hazard;
- The local school already asks parents to use a one way system around the school at drop off and pick up time. This is not always adhered to and frequently there are traffic blocks on School Street and Giles Street because of this;
- The transport statement (3.31) states a road width on Wesley Avenue of 4.9-5m when, in fact, this is actually 3.2 metres between the parked cars. Furthermore, it narrows the pavements to half the stated 1.8 metre width;

- The transport statement (3.32) states that Wesley Avenue then joins Dean Avenue which shortly forms a minor crossroads with 3 other roads. What it fails to say is that the other roads (Dean Brook Road, Miry Lane and Giles street) all have no pavements, minimal if any street lighting and that the line of sight at the bottom of Dean Avenue is poor encouraging vehicles to pull forward of the junction;
- If you exit Wesley Avenue and go the other way it joins the B6107, only traffic heading to Meltham or Manchester would turn right here, all other traffic for Holmfirth would head through the narrow village streets where pavements are less than 0.5 metres in places;
- The Multimodal computer generated predictions (section 6) claim that only an increase in cars of 26.9% and 33.3% respectively is to be expected between 8am-9am and 5-6pm. This is because 33.3% of new residents would be walking, cycling or taking public transport. This is wholly inaccurate, walking to and from Netherthong from Holmfirth, Thongsbridge or Brockholes/Honley involve walking down New Road, Thong Lane or Dean Brook Road all of which have no pavements, lots of traffic and parked cars, so residents very rarely walk these routes now because of these well-known safety issues;
- Public transport has been cut to the village due to lack of use because it simply is not fit for purpose. If people wanted to use the train they would still have to drive through the village to get to Brockholes station where there is no parking;
- In reality 36 houses, two cars per household - 72 cars likely to be making their way through the village in peak times;
- To reach any of the local cycle routes it would be necessary to go on Moor Lane, which has the problem of stretches where two cars cannot pass and blind corners, or negotiate Holmfirth centre (always congested with HGV's and cars) via New road so that the option of commuting anywhere from Netherthong by bike would be for the very few confident cyclists only;
- The transport report suggests that there will be a car journey to or from the site every 2.4 minutes. That is 25 cars an hour passing down Wesley Avenue at peak times, on what is currently a quiet cul-de-sac;
- The traffic assessment is based on data before the latest developments have even been occupied by new residents and their vehicles, and hence is meaningless;
- The development makes a significant provision for motor cars with parking on many plots for as many as three cars at a time. This will encourage up to 100 extra cars in the local area, making journeys to and from work, school, local supermarkets, shops, services etc. Until local public transport services are vastly improved to take people to Holmfirth, Huddersfield and beyond the village will remain in the grip of the motor car;

- Inaccuracies in the TA e.g. Moor Lane does not have a junction with Dean Avenue and neither does Holmdale Crescent as suggested in TA;
- The phrase "one minor arm" to describe the Dean Avenue element of the junction with Miry Lane, Giles Street and Dean Brook Road is misleading. Dean Avenue is steep at that point and that junction is exceptionally difficult to negotiate when approaching down the hill;
- With five four-bed properties planned, along with 22 three-beds and nine two-beds - plus seven visitor parking spaces - that means the developers are already providing parking for an extra 84 vehicles. That's 84 extra vehicles, with all their noise and pollution, moving in and out of Wesley Avenue;
- This application will severely impact on the road network and should be rejected on that basis alone having regard to guidance within the NPPF;
- The road traffic collision data is for the most recent 5 year period available (2014-2018). However, this is two years old and in no way reflects the highway safety issues that current exist in the village - particularly since the building of The Orchards;
- The TRICS information supplied by Sanderson to back up their Multi-Modal transport data appears to have been collected largely from very flat areas of the country, bearing no resemblance to the situation in Netherthong;
- The developer and Sanderson point to bus services 308, 309 and 335 and, interestingly, the fact they don't make any comment on the limited frequency of the services speaks volumes for how poor the bus service to the village actually is. At best the services run only hourly, while the 309 is scheduled just twice a day;
- The Crashmap data results are only concentrated on a small area and do not include the whole of the section of Dean Brook Road where the 60mph speed limit operates, nor do they include the whole length of Thong Lane down to where it intersects with the main Huddersfield to Holmfirth Road (A6024). These are the two roads leading out of the village that are routinely used, along their entire lengths, by children walking to Holmfirth High School and by commuters in their cars;;
- The traffic report does not include pedestrian deaths and injuries on the roads into and out of the village and so minimises the 'picture' of threat to pedestrian safety;
- The claim in the Sanderson report that Huddersfield lies within a 31 minute cycling radius of the proposed development site requires detailed scrutiny. Whilst the journey (downhill) to Huddersfield, along the A6024 Huddersfield/Holmfirth Road, is just about doable within 31 minutes, it would take well over an hour for a relatively fit cyclist to ride back to the site from Huddersfield;

- There are several narrow residential roads (where it would arguably be unsafe to drive at the limit of 30mph) between Moor Lane and the site, which have been overlooked in the transport statement. While Miry Lane may be national speed limit, it is a single-track lane of the narrowest kind, not a realistic through road for traffic to this development;
- The ratio of 7 visitor spaces to 36 homes is not sufficient. Excess visitors will resort to parking on pavements and other narrow streets, something which is already an issue for access and visibility in the immediate area;
- The idea that we should all walk for short journeys is a fine and noble one, but is not a realistic model of what actually happens and should not be used to support a planning application
- It is disingenuous to suggest that the village is serviced by adequate public transport links or safe and well-serviced pedestrian and cycling options;
- Whatever the planners alter on the site, the fact remains that the entrance along Wesley Avenue is still only 4.9m wide and is invariably parked up with cars because of the steep slope that they are built on and the inability to park in the garage;
- Wesley Avenue cannot be used as a means of access for this housing development as it would contravene Kirklees Council's own rules due to the road being too narrow;
- Kirklees rules state that connector roads (those serving the same development beyond Wesley Avenue) need to be 6.75m in width. All of the roads within Netherthong, beyond Wesley Avenue, which act as connector roads to main roads are narrower than 6.75m in width ranging from 3.52 (Miry Lane) to 4.92 (Dean Brook Road);
- Given the narrow width of Wesley Avenue, it is considered that the free flow of traffic to and from the site would not be possible. The proposed access would therefore be detrimental to highway safety and does not comply with Policy LP21;
- Residents rely on being able to park their cars on the street particularly in winter, due largely to the narrow and steep nature of the driveways (see photograph below). It would therefore not be reasonable to restrict the current parking arrangements for the existing residents and visitors of Wesley Avenue e.g. yellow lines, to overcome the issues surrounding the existing carriageway width;
- One additional vehicle every 2.4 minutes (based on 25 2-way movements in each peak hour) along a presently relatively quiet residential area should not be considered a modest amount of additional traffic;
- The visibility at the junction where Dean Avenue meets Miry Lane is exceptionally poor, particularly the left splay, which is virtually zero;

- The TA fails to provide any indication of the key factors that will either encourage or discourage walking, such as the safety and convenience of such routes, as the Inspector highlighted in the 1980 case when there was far less traffic on the roads;
- The Council's Highway's department have offered no comments on the site's accessibility by non-car modes of transport;
- The existing highway network is unsuitable to accommodate any further increases in the volume of traffic in the area, in particular Wesley Avenue. Any such increase would be of detriment to highway safety in terms of congestion and the free flow of traffic, and the potential increase in the level of accidents due to narrow streets, on street parking, lack of footways, and inadequate visibility at junctions. Accessibility for those without a car is unattractive, inconvenient and potentially dangerous. The proposals are therefore considered to be contrary to Policy LP21.

Drainage and Flooding

- There will be an increase in run off which will put an extra burden onto the current waterways. This will only get worse as the land not only has its own run off but also that of surrounding land where the water filters through;
- Heavy rain result in surface water, particularly around the latest site being built in Netherthong;
- Objections to the Miry Lane development stressed that the sewage/drainage system at the bottom of the St Mary's estate could not cope with yet more demand and this is evidenced during recent heavy rains at the St Mary's Road/Miry Lane junction, which was impassable;
- Currently have flooding with heavy rainfalls, especially at the bottom of Miry Lane and down Deanbrook Road. The loss of these fields would increase the flooding and would put extra pressure on the already poor drainage system;
- Kirklees have done nothing in recent years to improve the drainage problem causing St Mary's estate to be virtually cut off during heavy rainfall which appears to be a regular occurrence nowadays;
- New developments have already absorbed a large amount of greenfield soak away land, causing increased flooding to the brook and existing drains which are already over capacity, causing sink holes to regularly appear in the roads;
- The village has numerous underground wells that will cause significant problems, particularly in the area in question. Miry lane in particular becomes impassable when it floods;

- It would cause increased water flow to the Brook which, again, is a flood risk in the area already without further displacement. In addition, the removal of major trees would exacerbate this issue which was a problem on several occasions in 2019;
- Every year, Holmdale Crescent, which runs parallel to Wesley Avenue has sewerage issues with blocked pipes. There has also been flooding issues earlier this year which may become exacerbated by any new development;
- The application states that surface water drainage will be via Dean Brook a small, picturesque stream. Surely this has the potential to add to the flood risk further down the brook in Deanhouse;
- Flood reports said that the development off Miry Lane would not affect flood risk but February this year saw the worst flooding on Miry Lane ever with water rising around onto the St Mary's estate;
- The Flood and Drainage report presents a case that they intend to direct surface water into Dean Brook. The report does not detail what the impact will be in the Dean Brook Valley. Dean Brook flows through ancient woodland that is used and enjoyed by the community. Will it result in extra volumes of water and erosion?
- The report suggests that all surface water will travel to a surface water sewer located near the entrance to the site at Wesley Avenue but does not make clear how the water will be collected and then directed to sewer?
- Yorkshire Water has stated that the foul water system cannot accommodate surface water. The report does not detail how the development will guarantee that no surface water will enter the foul water system?
- To connect the site's foul water system to the main system, one of the options would be to lay the workings down Wesley Avenue. This will impede access to the residents homes and the site while this work is undertaken;
- The report suggests the use of 299m storage unit sunk into the ground to the north of the site to hold surface water. What is the expected lifetime of that unit? What will be the impact if it starts to leak? How will it be maintained?
- This sewer displays its inadequacy in the unpleasant manner of discharging raw sewage over 6 times a year on average. This raw sewage overflow finds its way into Hagg Dyke and is a pollution issue;
- Dean Brook is poorly maintained & there have been 3 once in a 100 year flooding events at Lower Hagg in the last 20 years;
- The Dean Brook does not have the capacity to absorb any more surface water. It was never designed to take the number of additional houses that has already been imposed upon it;

- All the inlets to the brook that the original builders put in - in the 19th century are blocked through repeated surface dressing of the road which has raised the level so that all holes are blocked, and inadequate management of gullies and wall/vegetation maintenance;
- By building on this land, the surface water run-off will be greatly affected along with the water table and there is a potential to cause greater flooding at this point;
- The wooded area surrounding Dean Brook to the north of the proposed development site is privately owned and there is nothing to show that the Developer has served notice on the owner of the woodland of the proposal to pipe water through that woodland into Dean Brook;
- A consequence of all of the mature trees in that woodland being the subject of Tree Preservation Orders, it would not be possible for the Developer, even with permission from the owner of the Woodland (and there is currently no evidence that the Developer has any such permission), to lay an underground pipe through that woodland as this would cause irrecoverable damage to the root systems of those trees.

Noise, Air Quality and Pollution

- The impact on the local community (cars, pollution, noise);
- Increase in air pollution;
- Road through Netherthong village traffic has increased since Aldi and Lidl opened (now a rat run) and now more traffic fumes in village centre;
- The proposed development would put the air at unacceptable risk from air pollution (an estimated 2,880 tonnes CO₂e). This proposed development does not contribute to protecting and enhancing our natural environment, does not help to improve biodiversity, does not minimise pollution and, most significantly, does not mitigate climate change;
- The Kirklees Council Health (Pollution & Noise Control) response dated 10 July 2020, in common with all of the other Council Departments, has failed to comment at all on climate change and air pollution in relation to this planning application.

Density and Design

- Building more houses will ruin the feel of the village;
- The houses will not match up to those already in place on Wesley Avenue and also surrounding houses, as shown by those houses that were built next to St Mary's as they look completely out of place in the village;

- The development is next to green field and will push the boundary of the village out further;
- Infilling could ruin the character of the village while estate development would overwhelm it;
- The protection of Netherthong's visual, historic and archaeological qualities should also be supported and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;
- Visual impact of a further development;
- The field runs along the edge of a conservation area which should be protected at all costs;
- Areas of the village are a Conservation Area and this residential site would be a major detriment to the character of the village;
- The properties that are built would be new builds; the village has mostly older buildings which is what draws people to the quaint village;
- The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming', badly affecting what is a low density road (Town Gate);
- The origins of Netherthong evolved from the Viking era and was always intended to be a small village settlement. The rapid development of new housing estates on 'green spaces' in order to meet government housing targets is destroying the character and beauty of the village and the surrounding landscape.
- The proposal claims that the site will maximise local surveillance. The objector considers that this is because the number of proposed properties are so tightly packed into the space that nobody will have sufficient privacy which may in fact have an adverse effect on the mental health of the residents;
- The proposal is for a typical housing estate which would be best suited to an urban site;
- Despite the level of previous building, Netherthong is still a distinctive Pennine hill village with a historic centre and old buildings. Any more house building will ruin its character and turn it into an ersatz commuter land which could be found anywhere.

Living Conditions

- All of the bungalows on Holmdale Crescent will be looking directly into the planned housing adjacent to them;
- The plans show two storey houses, which will overlook single storey bungalows on Arley Close and Holmdale Crescent;

Landscape and Ecology

- The land will be rife with wildlife which will simply vanish;
- Being in close proximity to moorland the fields around Netherthong have become a haven to brown hares and lapwings;
- Continuously seeing destruction of wildlife habitat around the area;
- Increased negative impact on wildlife and the environment is a major concern. It is already changing the ecology just by having the huge number of building vehicles destroying the natural habitats of many wildlife animals over the past two years;
- The unannounced attempt at demolition of the wall at the end of Wesley Avenue wall was started to be demolished in May when most creatures, birds and small mammals have young which they are feeding;
- The Ecological Survey was conducted in January and may not include all fauna and flora that may be present in and around the site. The recommendation contained in the ecology report that the opportunity for a second visit in May/June should be allowed to happen before any decision is taken. It is very import that this happens as there are bluebells that grow in the field and birds that nest in the walls;
- The building work which would be necessary to develop the site and the suggested location of the closest houses would be too close to the branches and roots of adjacent trees and would cause damage;
- Any building that was too close to the wooded gardens of properties within the Conservation Area would seriously detract from the CA itself. The trees are protected by a Tree Preservation Order made in 1975 shortly before the creation of the Conservation area;
- The proposal would prevent the resident from exercising a legal right created by deed enabling them to enter the field to repair and maintain their boundary wall and trim shrubs and trees where permitted (NM This is a Civil Matter between the applicant and any adjoining resident and not a material planning consideration);
- Up until the morning of Sunday 17 May 2020, there were native English Bluebells growing wild in the field, just behind the wall that divides that field from the grassed strip of land at the western end of Wesley Avenue. Due to their rarity, native English Bluebells are protected under the Wildlife and Countryside Act (1981). This means that digging up the plant or bulb in the countryside is prohibited. In addition, there were wrens nesting in that wall. The developer attempted to remove this;
- The Preliminary Ecological Appraisal' dated 29 January 2019 is based on a survey that was undertaken on 27 January 2020 when no bluebell growth would have been visible above ground;

- The third field (the one that is furthest west) was not commented on at all in the 'Preliminary Ecological Appraisal';
- The site comprises three long-standing wildflower meadows; Greenfield spaces which have remained untouched for centuries. Wildlife including Pheasants, blackbirds, crows, jackdaws, wood pigeons, wrens, blue tits, goldfinches, foxes, have all been sighted. Bats and Owls regularly fly overhead and will lose this site as a feeding ground. Newts, Frogs and Toads have all been seen in gardens on Wesley Avenue, this proposal yet again diminishes the areas in which they can migrate.

Social Infrastructure

- Local infrastructure cannot support another development;
- The school is already over-subscribed and there is a waiting list for the primary school - as a result it has been forced to accept class sizes above the government recognised limit of 30 per class;
- At the moment, local children are being driven to Brockholes and Berry Brow schools as all the local schools are full (including Holmfirth) and when the St Mary's development is finished, there will be even more pressure;
- Looks to be little provision for social housing;
- Limited amenities as Netherthong only has one small village shop;
- The majority of the houses in Netherthong will not be able to get their children into the local school as it is already overloaded. This will also result in more cars therefore more pollution to get their children to schools further away;
- Any attempt to obtain a place at the Doctors' surgery and a NHS dentist is very difficult with the current population. Local medical provision is at a maximum with people struggling to get appointments at local practices;
- The houses proposed are 3-4 bed dwellings which will attract families with young children and the school is already over-subscribed;
- Children are being forced in through appeal and class sizes are swelling to 34+. The structure of the school is not designed for this, and it is not conducive to education to have these numbers;
- No local services in the village- just a small shop and further housing will simply create (as it always does) additional traffic.

Historic Environment

- The proposed building plot is immediately adjacent the conservation area of Netherthong. A modern building development will detract from

the intrinsic value and appearance of this valued space and should be considered when considering planning permission;

- The proposal states “the only locations from which it is possible to view the allocated site from the conservation area is from Miry Lane to the north”. However, the Vicarage to the north west of the site is also part of the conservation area and will be detrimentally impacted by this development, as the site will be in plain view. The Vicarage has been in existence for more than 150 years and a corner stone to the conservation area. Therefore the open space should be extended into plots 18-22 & 34-36 on the indicative plan so that all parts of the conservation area on the northern boundary benefit from the “aesthetic value” that the proposal is trying to preserve by creating the open space;
- By making a picnic area and footpath through what is now a conservation area would be illegal. The whole point of a conservation area is that it's protected and undisturbed.

General issues

- Netherthong has already seen a big increase in the number of houses over the last 5 years;
- Netherthong is a village;
- Loss of yet another green field;
- The Committee should ‘turn [its] attention to Huddersfield town centre where residents would value planning permission;
- The site is an area of wildlife and beauty – it is a very visible field;
- The development would be on the edge of an already full to bursting village;
- Not sustainable development in that the land is of the wrong type (agricultural as opposed to brownfield, which is readily available in the area);
- No positive economic impact. Both the location and available evidence indicates that such housing would simply serve as commuter accommodation;
- There has been 52 new houses built in the Netherthong area during the last 3 years; 30 houses recently built on the Jones estate with at least 2 cars for each house. 22 more houses currently being built by the side of Miry Lane. Another 44 vehicles;
- This is the 3rd planning application for new housing in a small village which was already inadequately serviced by utilities and highways;
- The village does not need nor want further housing development destroying further green sites;

- It is quite obvious that the Council did not take account of the Inspectors 1980 decision when they included these fields into the local plan when they should have. What has changed since 1980? The road structure has not been altered or improved so exactly the same network is in place now as existed then;
- There is going to be no fields left everything is going to be concreted over - developments could be on land where light industry has ceased;
- The ambience and feel of the village is being eroded away;
- The last developments going up are not for local people/families trying to move up to their next house or get in the property ladder they are overpriced and therefore attracting people from out the area to move in;
- There are a number of brownfield sites in the neighbouring areas which should be considered first;
- Allowing yet more developments which only are made for profit and wealth is exactly the opposite of what we should be doing to maintain the character, history and atmosphere in Netherthong;
- The Council have a duty to protect residents from increased and dangerous traffic (speeds and volume) but also protect green spaces, which need protecting for future generations, otherwise there won't be any for them to enjoy;
- Have KMC Planners taken into consideration that the Public Utilities in Netherthong are overstretched?
- What safeguards are there in place to ensure that there is compliance with the Building Regulations? It is axiomatic that the grant of planning consent should include that the quality of the workmanship of the development should be or a reasonable standard is that one of the aspect of granting planning is to ensure a good/reasonable quality development?
- This application should not be allowed as it contravenes the principal strategic objectives for West Yorkshire which is to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage;
- Whilst appreciating the need for more housing we already have many new builds in the village which are unsold. Surely the idea is to create homes and places for people to live not just fulfilling required numbers?
- Thought and priority should be given to suitable housing with proper access, carbon neutral awareness, good local services and at prices suitable for first time buyers;

- Netherthong village represents the historic past of the area and progress would be to protect this village as an historic conservation area. Would it not be progress to use brownfield sites as there are many in Kirklees needing to be developed with easier access and location than that of Netherthong;
- Many have an outlook over fields which contain a variety of wildlife and birdlife which will disappear if this development of 36 homes goes ahead;
- This village will lose its village status as the surrounding housing estates are encroaching on other areas e.g. Oldfield, Honley;
- There are other sites currently around the Holme valley that would benefit from development at this time such as the Washpit site already cleared and ready. As it the site at Hepworth and where Rodgers plant hire was on Huddersfield Road at Honley;
- There are some positive aspects of the application - the retention of open land to the north of the land, adjoining Miry Lane, plus the inclusion of affordable housing units. However the negative aspects far outweigh these positives;
- The assessment of the distance to local services being walkable (under 800m) is all based on pre-Covid 19 information. None of us know as yet what the world will be like once the pandemic is over but we know for sure that many pubs and restaurants will not be able to reopen;
- This is not an application simply to be rubber stamped by an uncaring, uninformed officer of the council, there are serious issues to be addressed properly - so a site visit by elected representatives is absolutely essential and crucial;
- The proposal would meet no social need. Another estate would be another dormitory for commuters to Manchester, Leeds and similar cities who have no connection with Kirklees and form no part of the local community;
- Kirklees Council does not have the authority to overrule the earlier decision made by the Department of Environment to refuse planning permission;
- The NPPF refers to the requirement for the planning system to contribute to and enhance the local environment. The planning application does not have the backing of the local community. This is evidenced by the number of comments objecting to the proposed development;
- One estate has been developed and populated already (24 properties at The Orchards, St Mary's Avenue) The second housing estate (Application 2018/44/92755/W – Land adj 8 Miry Lane, Netherthong, Holmfirth, HD9 3UQ) is just being built and not yet populated but will add a further 21 dwellings with associated number of cars and pedestrians on top of that of The Orchards;

- This existing wall at the bottom of the gardens of Holmdale Crescent will be the responsibility of the new properties if this application goes through. The existing gardens could slide when heavy machinery is digging foundations. The proposed houses are right up to this wall at the bottom of these gardens so digging will have to come right up to the wall. Concern about structural implications.

Climate Change

- Increase in carbon emissions in a nominated Green Belt. There is currently 21 dwellings being built in Netherthong (Planning application 2018/90192) which will bring potentially 42 additional cars to the village. If application 2020/91146 is granted permission then that will be for 36 dwellings, bringing potentially a further 72 cars into the village. In total, this will be a potential of 114 additional vehicles into the village once built. Therefore there will be carbon emissions from 57 additional dwellings and 114 cars once completed impacting the local community;
- Building in a village where vehicular access is poor, bus services limited, and walking hazardous would be against the principle the Council set out in their statement 'Our vision is to make Kirklees completely carbon neutral by 2038.'
- There is no detail in the planning application about how this site will help to reduce the impact on climate change. How will the power will be supplied? Is another substation required? How energy efficient will the site be both in construction and when developed. How will the houses be heated? In 2010 the Guardian Newspaper claimed that a newly built two-bedroom cottage created 80 tonnes of CO₂ through the process of building it. This proposed development is to create 36 properties and will therefore create around 2,880 tonnes of CO₂;
- This application to build houses on three previously undeveloped wildflower meadow fields, greenfield spaces, which have remained undisturbed for centuries, will have a negative impact on the climate;
- The question of environmental impact and its effect on climate change has not been correctly addressed in this planning application. There has been no requirement placed upon the Developer to produce a 'Climate Change Impact Report t' (see the 'Reports Required' section of the Kirklees Local Plan showing the allocation of the site for Housing HS184);
- Both the buildings proposed and the emissions of machines and other vehicles involved in the construction process as well as the eventual high number of resident vehicles would result in a massive increase of CO₂ emissions which would in part be permanent;

Procedural

- Unfair to push a planning proposal at this time when people cannot organise a local meeting and have to rely on emails.

Construction issues

- Residents have had the current development ongoing for the past ten months resulting in persistent noise and a constant stream heavy lorries;
- Denham Drive is the road used by builders for these developments and would be again for this one. The resident is concerned about huge trucks making noise each day when they take soil away and deliver materials. They note that it has been non-stop in the last 3 years;
- Construction traffic would not be able to safely access the site using Wesley Avenue. The feeder roads to the site - Dean Avenue and Denham Drive are not the greatest accesses either. Denham Drive is through an estate with children playing and the steep slope of Dean Avenue, already the scene of more than one accident and several near misses in the last couple of years with the increase in traffic from new construction in the village;
- Given the actions of the developers in trying to knock down a stone wall to get access to the site before they had planning permission it gives the resident no confidence that any development would be carried out in a transparent and inclusive manner;
- Where are heavy construction vehicles and workmen's cars, vans and trucks going to park while waiting to get onto this site?
- The enormous plumes of dust and dirt all over the roads and the noise the residents have already had to put up with every single day from early hours has been incredibly testing;
- Concerns about safety during construction (heavy lorries, plant noise, dirty roads etc.);
- Recent building developments in the village have seen the junction at Dean Brook Road become slippery with soil and rubble from works traffic. This would be an ongoing issue for the duration of building works.

Ward Members

7.6 Ward Members were consulted on the proposal by email dated 28th April 2020. Councillor Patrick has provided the following response:

'I object to the application. Wesley Avenue was built as a cul-de-sac and not as a through road. The road is far too narrow to be used for access to the proposed site. I understand there is third party interest in the land at the point of proposed access which could well prevent any access taking place. Following the submission of the planning application a hole was made in the wall to make it look like access has been taken, but there never has been access to the land at this location. The wider road network is substandard and is not suitable for additional traffic movements.'

Holme Valley Parish Council

7.7 Holme Valley Parish Council have provided the following response:

- Object over access to the site from Wesley Avenue and adequacy of local highways and infrastructure (for cars and pedestrians). The historic centre of Netherthong is narrow and constricted and effective traffic flow will be compromised given increased incremental traffic flow;
- Members further raised concerns around drainage;
- Members welcomed the planned provision of affordable housing.

8.0 CONSULTATION RESPONSES:

The following represent a summary of the consultation responses, which are addressed fully in the relevant section of the assessment below.

8.1 **Statutory:**

KC Highways: The access is acceptable subject to conditions.

Lead Local Flood Authority: Following the receipt of additional information in the course of the application, no objection to the proposal subject to the imposition of appropriate planning conditions.

8.2 **Non-statutory:**

KC Education: In response to the original submission for 36 homes providing a projected forecast for 2022/23, Education Services advice that additional places would be required at Netherthong Primary School and Holmfirth High School. This will necessitate a financial contribution (estimated at £70,418 on the basis of 36 homes) to be determined at Reserved Matters stage.

KC Strategic Housing: The site lies within the Kirklees Rural West Housing Market Area where there is a significant need for affordable 1 and 2 bedroom homes, along with 1 and 2 bedroom homes for older people specifically. The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing and on-site provision (housing) is preferred. This will be secured through the S106 Legal Agreement.

KC Conservation and Design: No objection to the proposed means of access to the site.

KC Landscape: Holme Valley South Ward is deficient in all typologies of open space and this scheme would trigger a requirement for amenity green space, parks and recreation, natural and semi-natural green space and children and young people's provision. The indicative scheme provides only natural and semi-natural green space such that an off-site contribution is likely to be required at Reserved Matters stage to be secured through the S106 agreement.

KC Waste Strategy: Provided operational comments for waste collection and recommend the imposition of appropriate planning conditions.

KC Landscape/Trees: No objection.

KC Environmental Health: No objection subject to conditions.

KC Crime Prevention: Provided advice in line with Crime Prevention through Environmental Design (CPTED) guidance.

KC Ecology: No objection subject to conditions.

Yorkshire Water: The response from Yorkshire Water is outstanding. It will be reported to Members in the Committee Update or verbally at the Committee.

9.0 MAIN ISSUES

- Principle of development;
- Means of access – highway and transportation issues;
- Reserved Matters – layout, scale, appearance;
- Reserved Matters - landscape and open space’
- Bio-diversity;
- Housing mix;
- Living conditions of existing and future occupiers;
- Flood Risk and drainage;
- Environmental health considerations;
- Heritage;
- Ground conditions;
- Climate change;
- Response to representations;
- Other matters
- Planning obligation.

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Within the KLP, the site is allocated for housing (HS184) with an indicative capacity of 38 dwellings. The site allocation identifies a gross site area of 1.24ha and a net site area of 1.09ha. The developable area is reduced to reflect the steep area of the site and to preserve the setting of the Netherthong Conservation Area (CA).

- 10.3 Policy LP65 of the KLP, within the Site Allocations and Designations document, refers specifically to housing allocations listed within the Local Plan. It confirms that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.
- 10.4 Policy LP1 of the KLP reinforces guidance within the Framework. It states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. It clarifies that proposals that accord with the policies in the KLP will be approved without delay, unless material considerations indicate otherwise. The supporting text to Policy LP1 confirms that allocations in the Local Plan are made in accordance with the spatial development strategy.
- 10.5 Policy LP2 of the KLP refers to place making and advises that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Furthermore, Policy LP3 advises, amongst other matters, that development proposals will be required to reflect the Spatial Development Strategy and development will be permitted where it supports the delivery of housing in a sustainable way, taking account of matters such as the delivery of the housing requirements set out in the Plan.
- 10.6 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. This application would deliver up to 36 new dwellings. It would therefore make a reasonable contribution to meeting the housing delivery targets of the Local Plan and result in development that accords with the spatial development strategy.
- 10.7 It is recognised that the application site is Greenfield rather than Brownfield. However, the allocation of this land and other Greenfield sites through the Local Plan process was based upon a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing. It was found to be an appropriate basis for the planning of the Borough by the Inspector. Whilst the KLP strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, whilst the effective use of land by re-using brownfield land is also encouraged within the Framework, the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.8 The application site is in a sustainable location for housing. It is a reasonably contained site that would adjoin existing residential development to the south and east. 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. However, the development of this site for residential use is consistent with Policies LP1, LP2 and LP3 of the KLP. It is therefore acceptable in principle subject to an assessment against other relevant policies within the Local Plan set out below.

Means of access – highway and transportation issues

- 10.9 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. To address this policy, the application includes the submission of a Transport Statement (TS).
- 10.10 Policy LP21 reflects guidance within the National Planning Policy Framework (the Framework), which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, 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 can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.11 Access into the site would be taken from Wesley Avenue as an extension to the existing road. This is the access that was envisaged throughout the Local Plan process. The KLP Submissions Document Accepted Site Options – Technical Appraisal dated July 2017 for the site noted the following with regard to Transport: *Site access achievable. Access can be achieved via extension to Wesley Avenue.* This was on the basis of a capacity of 43 dwellings. Within the Inspector's Report on the Examination of the Kirklees Publication Draft Local Plan (30 January 2019) there is no reference to transport matters, but only a recommendation that the site area should be reduced and the number of dwellings lowered from 43 to 38.
- 10.12 For the purposes of this application, the existing hammerhead at the end of Wesley Avenue would be 'extinguished' and the new access would then extend directly from this road and widen out to a 5.5m carriageway. This accords with guidance within the Council's Highways Design Guide for new development, which notes that 5.5m is the typical width of an adopted carriageway and allows all vehicles to pass each other with ease given the infrequency of large vehicles on residential streets.
- 10.13 For pedestrians, the footways that currently run along Wesley Avenue would be extended into the site. The site plan indicates that 2m wide footways would be provided on both sides along the initial section of the access road. This would also accord with the Highways Design Guide. The position and treatment of the access into the site is therefore acceptable in this regard.
- 10.14 In terms of how this access would fit into the surrounding access network, the Highways Design Guide makes reference to residential street types and hierarchies. It notes that the needs of motorised traffic must be balanced with those of pedestrians of all ages and abilities, cyclists and users of public transport. It further confirms that streets should also be designed so that they respond to their context. To achieve this, it refers to the need for new residential streets to form part of a hierarchy to form an understandable transition from distributor roads to residential streets. The Design Guide identifies three main residential street types: (i) connector streets, with a recommended width of 6.75m to serve a potential number of dwellings of

between 300-700 (ii) local residential streets of 5.5m width to serve 200-300 dwellings and (iii) 5.5m shared surface streets where the potential number of dwellings would not generate more than 100 vehicles per hour. However, these standards are provided for *new* residential streets within *new* residential developments rather than establishing a required width for existing streets to serve new residential development.

- 10.15 Within this context, it is acknowledged that Wesley Avenue, from which the development would be served, is approximately 4.9m wide. It provides access to 12 properties and these existing houses benefit from off-road parking. However, as a result of the topography across Wesley Avenue, their driveways slope either up or down at a reasonably steep gradient. As a result, some residents choose to park on the road, which, due to its width, typically requires them to park partly on the pavement. Consequently, it is acknowledged that on-street parking further reduces the width of Wesley Avenue. There is, however, no opportunity to improve the existing carriageway layout and no requirement for it to be a minimum width in order to facilitate future development. It is also a relatively short stretch of road and the keeping the driveways clear from parking would ensure that passing places are retained along it.
- 10.16 Furthermore, with regard to traffic generation, using TRICS (a database for development trip rates), the TS calculates that based upon 36 dwellings (the original scheme), the vehicular trip generations would be 6 arrivals and 15 departures in the AM Peak (0800-0900) (21 in total) and 13 arrivals and 6 departures in the PM Peak (1700-1800) (19 in total). A further trip generation analysis was undertaken based upon a two-way trip rate of 0.7 per dwelling with a 60/40 split between arrivals and departures. This is identified in the TS as a 'worst-case' trip generation scenario of 10 arrivals and 15 departures in the AM Peak and 15 arrivals and 10 departures in the PM Peak. This would equate to an average of 1 vehicle movement every 2.4 minutes during the peak hours.
- 10.17 The development would obviously result in a change in circumstances for the residents of Wesley Avenue, with more cars moving up and down the street. However, the test for refusing a development on highway grounds established within the NPPF is that it must not result in an unacceptable impact on highway safety nor must the residual cumulative impacts on the road network be *severe*. Whilst potentially noticeable to residents, a maximum of 1 vehicle movement every 2.4 minutes during the peak hours would still be a modest impact. Traffic speeds along Wesley Avenue would also be slow as a consequence of its width and character (including the parked cars) so the development would not be unduly harmful to highway safety.
- 10.18 Vehicles would then exit onto Dean Avenue, which is approximately 4.8 metres wide. This is a carriageway width that is sufficient for 2 cars to easily pass, particularly in the absence of on-street parking. This would bring cars to the junction with Miry Lane, Dean Brook Road and Giles Street. From this intersection, the roads travel most directly towards Meltham to the west and Brockholes to the east. Again, whilst they are country lanes, they are used by existing residents of Netherthong. Furthermore, the road traffic collision data available via the Crashmap website for the last 5 years (2015-2019) identifies only one incident on Miry Lane. It involved a car driven by a driver in the 16-20 age band and a pedestrian in the 11-15 age band who was crossing from

the driver's nearside with the injury severity identified as slight. This does not suggest a significant safety issue within the vicinity.

- 10.19 Given that the additional traffic generated by this development would be modest based upon the size of the site, it is considered that it could be accommodated on the surrounding highway network. Even taking into account the cumulative impact of other developments in the vicinity, including the site between St Mary's Avenue and the Cricketers Arms PH and land adjacent to 8 Miry Lane, it is not considered that this development would result in the traffic generation impact being 'severe' such that a refusal on these grounds could not be justified.
- 10.20 The applicant's Transport Statement also considers multi-modal traffic generation and accessibility by sustainable travel modes. Using the TRICS database, it suggests that the development could be expected to generate up to 33.3% of trips by walking, cycling and public transport modes in the AM Peak and 28% of PM trips. It is acknowledged that this TRICS data was drawn from a trip rate selection criteria of privately owned housing developments of between 6 and 98 dwellings on suburban sites excluding Greater London and Ireland. Those selected are in locations such as Peterborough, Chester, Northwich, Torquay, Norwich, Lincoln and York. Such areas are, arguably, more built-up than Netherthong, which is a smaller rural settlement and also topographically less challenging than the Holme Valley.
- 10.21 Nevertheless, the application site cannot be considered to be isolated or inaccessible. It is located at the edge of an existing settlement and there are existing services and facilities within the village. These include a small shop, two public houses (one with an Indian take-away) and a café within 520 metres. These would all be within a 10 minute walk (a radius of 800m) of the application site (equivalent to an average walking speed of 3 miles per hour). Netherthong Primary School is also approximately 430m away.
- 10.22 It is acknowledged that many of the roads leading from Netherthong such as Miry Lane and Thong Lane (which would form the main walking route to Holmfirth High School) do not include pedestrian facilities and the narrowness of these roads precludes the opportunity to provide them. This may discourage people choosing to walk to facilities such as the High School albeit that in terms of cycling, the High School would be just over a mile away.
- 10.23 Further afield, Holmfirth is approximately 2km (1.3 miles) via New Road. This is lit with a pedestrian refuge on one side for much of its length rather than a pavement and houses fronting onto it for natural surveillance. Whilst there would be a gradual climb out of Holmfirth to Netherthong of approximately 71 metres, it would be reasonably accessible by bicycle and a circa 30 minute walk. Whilst acknowledging that future residents would be unlikely to carry a significant level of shopping back from Holmfirth, it demonstrates the proximity of the application site to available services.
- 10.24 Additionally, the site is accessible by public transport. The closest bus stops would be on Dean Avenue (45026652 and 45026653). This is served by routes 309 and 335 (Slaithwaite to Holmfirth) with a circa hourly service between 9am and 4pm Monday to Saturday. The 309 Honley to Holmfirth provides 1 daily bus in each direction Monday to Saturday.

- 10.25 Just over 300m from the site entrance, there is another bus stop (45019157) close to the junction of Moor Lane/Holmedale Crescent, which is also served by routes 309 and 335 as well as 308 (Huddersfield to Holmfirth). The 308 would provide a 7.30am connection to Huddersfield Bus Station (arriving 08.13). The 335 at 07.43 would provide a bus to Holmfirth to connect with the 310 to Huddersfield Town Centre (arriving 8.19). In the evening, the 308 would provide a return journey from Huddersfield at 17.21 (arriving 18.08). The 308 is broadly hourly between 0730 and 1800 Monday to Saturday. Whilst options are limited on evenings and Sundays, it does demonstrate that the site is accessible to public transport at least during peak travel hours. The 308 would also provide a connection towards Brockholes Station (Penistone Line - Huddersfield, Sheffield and Barnsley), which would equally be a 1.8 mile cycle ride from the site. It is therefore neither a remote nor inaccessible site.
- 10.26 In addition, the applicant has submitted a draft Travel Plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up to date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. Additionally, West Yorkshire Combined Authority have requested a contribution to sustainable transport methods of £14,833.50 based on 36 dwellings. The actual contribution would be calculated at Reserved Matters stage, at which point the purpose of this funding would also be clarified.
- 10.27 KC Highways Development Management (HDM) have considered the application and note the amendments that were made to the existing site entrance, off the present cul-de-sac of Wesley Avenue, to provide a 2.0m wide into the site at the expense of the redundant turning head. They also note that the narrower existing carriageway opens out to a 5.5m wide carriageway within the site as requested. A swept-path analysis of a fire appliance and refuse vehicle accessing and exiting the site in a forward gear has been provided. The manoeuvre for the refuse vehicle would need to be resolved when layout is considered at the reserved matters stage to ensure that forward visibility around the bends could be achieved.
- 10.28 Whilst KC HDM also noted that visitor spaces on the layout would be less than the proportion sought by the Highways Design Guide (one space per four dwellings), the layout is indicative and not for consideration at this stage. Visitor parking, as well as the parking provision per dwelling, would therefore be considered as part of the layout at Reserved Matters stage. Overall, KC HDM conclude that in terms of the matter of access, the application is acceptable from a highways perspective subject to the imposition of relevant conditions to include details of the proposed internal adoptable estate roads, schedule of the means of access to the site for construction traffic, a scheme to provide the construction details for all new retaining walls/ building retaining walls adjacent to the proposed adoptable highways and cross sectional information, together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway.

10.29 Subject to the above, the proposed access into the site is acceptable. Furthermore, the site is suitably located for residential development and subject to the imposition of appropriate planning conditions, it is considered to sufficiently accommodate sustainable modes of transport and be accessed effectively and safely by all users. It is therefore in accordance with Policy LP21 of the KLP and guidance within the Framework.

Reserved Matters – layout, scale, appearance

10.30 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. It states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. It advises that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.

10.31 With regard to layout, scale and appearance, Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary in order to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, the risk of crime is minimised by enhanced security and the promotion of well-defined routes, overlooked streets and places, It also advises that the needs of overlooked and strategically different users should be met and any new open space is accessible, safe, located within the site and well integrated into wider green infrastructure networks.

10.32 Matters of layout, scale and appearance are not for consideration as part of this application. They are reserved for future consideration as part of a Reserved Matters application should outline planning permission be approved. It is acknowledged that the applicant provided an indicative layout plan, revised to indicate the provision of 33 dwellings. However, this is purely illustrative and would not form an approved drawing.

10.33 Subsequently, the applicant was asked to prepare a parameters plan to inform any future RM application. This identifies certain opportunities and constraints to be taken forward through the Reserved Matters process. These include an area of open space to the northern boundary of the site, fronting Miry Lane, to remain undeveloped. This is required in order to safeguard the setting of the Conservation Area as determined by the Site Allocation.

10.34 The parameters plan also identifies the need to provide an appropriate off-set from the planting to be retained around The Old Parsonage and along the southern boundary with a clarification that no gardens will be wholly within the canopy or RPA of these trees. It also acknowledges the existing scale of the bungalows adjoining the site to the south in particular and the need for any future housing to be designed to incorporate appropriate separation distances to ensure that the living conditions of existing and future occupiers are preserved. This will again be fully considered at RM stage, along with the density of development.

- 10.35 Taking all these factors into account, it is concluded that matters of layout, scale and appearance, including density, will be considered within a future Reserved Matters application. However, there is sufficient information within this application to ensure that a scheme can be delivered that will meet the Council's design aspirations in accordance with KLP Policies LP7 and LP24.

Reserved Matters - landscape and open space

- 10.36 Policy LP47 of the KLP refers to healthy, active and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being. Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant. Finally, Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.
- 10.37 The landscaping of the site is not for consideration as part of this application. It is reserved for consideration as part of a future Reserved Matters application should outline planning permission be approved. The detailed landscaping proposals for the site will therefore be provided at that time.
- 10.38 It is noted, however, that the application includes the submission of a Tree Survey. Within the Tree Survey, a mature Sycamore is identified for removal. This is positioned in the north-east corner of the site adjoining Miry Lane. Its removal would not be predicated by the layout because it lies within an area identified for retention as open space. However, the Tree Survey notes that its structural condition is poor. No other existing trees or planting would be removed.
- 10.39 The Council's Tree Officer raised no objection to the Tree Survey but requested that an Arboricultural Method Statement (AMS) be provided to ensure control over the construction process and work, given the adjacent protected trees, which could easily be damaged by the passage of vehicles, soil stripping etc. This was subsequently submitted by the applicant to provide details for matters such as necessary tree work, protective fencing and how to deal with construction around Root Protection Areas.
- 10.40 The Tree Officer has confirmed that the AMS does provide reassurance that the indicative layout is achievable and could be constructed without causing adverse harm to the adjacent trees. The proposals will not impact upon any protected trees or trees of significant value and the Tree Officer has no objection to the proposal as a result. Furthermore, the Parameters Plan indicates a 'constraints' line around the trees to 'The Old Parsonage' and those on the southern boundary noting that no gardens shall be wholly within the canopy of the RPA of these trees to ensure a sufficient off-set between the future development and existing planting. This will be assessed in detail at Reserved Matters stage.

- 10.41 With regard to the provision of open space, this will also be a matter to be assessed at Reserved Matters stage having regard to the fact that Holme Valley South Ward is deficient in all typologies of open space and any future scheme would trigger a requirement for amenity green space, parks and recreation, natural and semi-natural green space and children and young people's provision.
- 10.42 In summary, details of the landscaping of the site will form part of a future Reserved Matters application. Conditions are therefore recommended as part of this application to secure these details. It is considered that a successful landscape scheme and the provision of open space can be established to ensure compliance with Policies LP33, LP47 and LP63 of the KLP.

Bio-diversity

- 10.43 With regard to bio-diversity, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.44 The applicant originally submitted a Preliminary Ecological Appraisal (PEA) with the application. The PEA concluded that the site is not presently considered to be of greater than 'site level' importance to any habitat or species group. However, it advised that a re-visit to the site be undertaken in late May or June in order to confidently categorise the grassland on site.
- 10.45 A re-survey was subsequently undertaken and an updated PEA was provided. This included an assessment of the grassland and dry stone walls around the site. It confirmed that the site was largely semi improved grassland together with some semi-improved neutral grassland and scattered scrub. It again concluded that the site did not have greater than 'site level' importance to any habitat or species group.
- 10.46 The applicant also provided an Ecological Impact Assessment and an initial Biodiversity Metric Net Gain Calculation. The former considers the site habitats and its potential to support protected and notable species. In terms of plant species, it notes in the fields adjacent to Miry Lane, local enrichment of the soil by grazing animals (most recently horses) has resulted in the loss of key indicator species although some species, including white clover, ribwort, broad leaved dock and foxgloves were evident. There was no indication of protected species on the site although it does have relevance for foraging for a range of species including bats and birds, such as House Sparrow, Starlings and Thrush. All three comprise red listed species within the Birds of Conservation Concern.

- 10.47 The EIA recommends a series of mitigation and enhancement measures. These include the retention of all trees where possible, new tree and shrub plantings as an integral component of the soft landscaping proposals for the site, to include locally native species of trees and shrubs and integrated bat or bird (house sparrow) boxes on each house. It also recommends that dwelling boundaries and fences should not impede the free movement of hedgehogs. These measures can be secured by condition to form part of any future Reserved Matters layout.
- 10.48 The Council's Ecologist has considered the application and supporting documents. It is advised that the EclA provides sufficient information to enable the development to be designed in accordance with the mitigation hierarchy. It concludes that the proposals will not result in significant ecological harm, subject to the inclusion of appropriate ecological measures. The EclA also includes an assessment utilising the DEFRA Biodiversity Metric 2.0, which indicates that the ecological baseline of the site consists of 5.51 Habitat Units. In accordance with Section 15 of the National Planning Policy Framework, to encourage Biodiversity Net Gain, and in line with Policy LP30 and the proposed new Environment Bill 2019/2021, a measurable increase in biodiversity (in addition to 5.51 habitat units) should be demonstrated by the development. As approval of this application would not establish a principle beyond that inferred by the housing allocation, with the exception of access arrangements, based on the submitted EclA, the Council's Ecologist is nonetheless satisfied that a scheme can be designed to provide a measurable net gain for biodiversity on the site. This would be secured via condition.
- 10.49 It is also noted that the submitted EclA makes several recommendations to achieve the above, which should be used to inform the design of the detailed layout and landscaping of the scheme at reserved matters stage. Recommendations include the retention and enhancement of the higher quality semi-improved grassland to the north, species rich hedgerows and wildlife ponds (which could be utilised to provide sustainable drainage for the scheme). For these reasons, and subject to relevant conditions outlined above, the proposal is considered to be acceptable with regard to bio-diversity in accordance with KLP Policy LP30.

Housing mix

- 10.50 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at that time.
- 10.51 The indicative layout suggests a mixture of 2, 3 and 4 bedroom units. This would provide an appropriate housing mix. It also indicates the inclusion of 2 bedroom bungalows to the southern end of the site, in proximity to the bungalows on Holmdale Crescent. Whilst purely indicative at this stage, these would contribute to the specific need in the area for 1 and 2 bedroom homes for older people identified in by KC Strategic Housing. The actual housing mix and house type, however, will be determined at Reserved Matters stage.

10.52 Overall, the proposal would have the capacity to contribute to housing mix within the Kirklees Rural West Housing Market Area and 20% of the units would be affordable. This would comply fully with the requirements of Policy LP11.

Living conditions of existing and future occupiers

10.53 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework which advises at (f) that create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

10.54 Layout is a reserved matter at this stage such that the impact of the proposal on the living conditions of existing and future occupiers will be determined in due course as part of any Reserved Matters application. Nonetheless, the Parameters Plan does acknowledge the need to have regard to the living conditions of existing occupiers and there is sufficient capacity within the site to ensure that acceptable distances can be provided between the existing and proposed properties.

Flood Risk and drainage

10.55 Guidance with the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.

10.56 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment was required with the application. Consequently, the original submission included a Combined Flood Risk Assessment and Drainage Strategy. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.

10.57 With regard to flood risk, the FRA confirms that The Environment Agency surface water map shows a very low likelihood of surface water flooding. The map shows the site to be within a very low risk, with a less than 0.1% chance in any given year. In terms of flooding from rivers/watercourses, the FRA states there are no areas of Flood Zones 2 & 3 associated with local watercourses that encroach within the boundary of the site. The closest area of higher probability within Flood Zones (2 and 3) is located 1.15km to the southeast of the site and relates to the River Holme. The flood zones associated with this watercourse are confined to the immediate vicinity of the rivers channel. Due to the elevation difference between the watercourse and the site, it is determined to be unlikely that the projected effects of climate change would bring the site into a higher probability flood zone.

- 10.58 There is also no evidence of flooding from sewers. Finally, due to the impermeable nature of the sites immediate underlying superficial strata, which is predominantly made up of clay-like deposits. It is determined to be unlikely that groundwater would be an issue at this location.
- 10.59 Nevertheless, measures can be introduced as part of the detailed design to mitigate against flood risk, such as the footways constructed to fall naturally towards green areas to allow informal percolation and properties designed with a higher finished floor level than the development carriageway levels to prevent surface water flooding of future dwellings. These measures will be secured by condition and addressed at Reserved Matters stage.
- 10.60 With regard to drainage, the Drainage Strategy states that Yorkshire Water have confirmed that the foul water domestic waste can discharge to the 150 mm diameter public combined sewer recorded in Miry Lane, at a point to the north of site or the 225 mm diameter public foul sewer in Dean Avenue.
- 10.61 With regard to surface water discharge, an infiltration method of drainage, such as soakaways, which mimic the natural process of drainage, is deemed to be an unviable method of surface water disposal at this location due to the geology and topography. Discharge to a public sewer is also identified as unachievable. Surface water would therefore need to discharge to a watercourse, the closest being Dean Brook, which is approximately 35m north of the site, across Miry Lane. This would be undertaken via an adopted piped surface water sewer. The rate of surface water discharged would be restricted to 8.0l/s, which would represent a betterment on the existing Green field run off rate of 12.25 l/s. The strategy would also include on-site storage in the form of a sealed water feature to be located to the north of the site, within the proposed open space.
- 10.62 In response to the initial Drainage Strategy, the LLFA had have no objection in principle to the proposed discharge rate nor to the proposed discharge point being Dean Brook. Nor did the LLFA object to the principle of a storage feature in the open space to the north of the site, albeit noting that the LLFA's preference is to give priority to SuDS solutions. Therefore, an attenuation pond would be preferred over an underground storage tank. However, they objected on the grounds that further information was required on flow routing through the site and also, on the condition of the watercourse (Dean Brook).
- 10.63 The applicant subsequently submitted a Technical Note on the capacity and condition of Dean Brook. This document concludes that Dean Brook in the vicinity of the site is a large, deep channel that has been deepened over time through natural incision. It states that although natural flows are generally confined to the base of the channel, the feature could convey much higher flows at this location without flooding occurring. It considers that the calculated capacity of the engineered features downstream of the site are sufficient to convey the calculated storm flows in the brook, up the 1 in 100 year storm event and beyond. The proposed discharge rate of 8 l/s could easily be accommodated by the channel and the culverts, particularly given that this represents a reduction in inputs to the brook, relative to the Greenfield rates. The reduction of storm flows from the site would result in a slight reduction in the maximum water level and velocity during storm events.

- 10.64 The report considers that the discharge into the brook at a maximum rate of 8l/s from the site is unlikely to make a difference to the hydro-morphology of the watercourse. This is partly due to the fact that runoff from the site currently discharges into the brook and would do so at a greater rate under 'undeveloped' conditions during a high magnitude storm event and partly because of the stable and largely artificial nature of the watercourse in this area. Some further consideration of the outfall velocity is recommended at the detailed design stage to ensure high velocity is not an issue or is mitigated. In response, the LLFA have confirmed that they have no objection to the proposal subject to the imposition of relevant and necessary planning conditions with regard to a detailed design foul, surface water and land drainage, and details of the operation, management and maintenance of surface water drainage infrastructure.
- 10.65 For the reasons set out above, and subject to the imposition of appropriate planning conditions, the proposal is considered to be acceptable with regard to flood risk and drainage in accordance with KLP Policies LP27 and LP28.

Environmental health considerations

- 10.66 Policy LP51 relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Policy LP52 relates to the protection and improvement of environmental quality and states, amongst other matters, that proposals which have the potential to increase pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.67 The application site does not lie within or adjacent to an Air Quality Management Area and is below the threshold for an Air Quality Impact Assessment to be required. Nevertheless, the application confirms that with regard to noise and air quality, construction impacts will be minimised based on measures to be included in a Construction Management Plan, which would be a requirement of a pre-commencement condition.
- 10.68 Facilities for charging electric vehicles and other ultra-low emission vehicles would also be required by condition in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The scheme would therefore have due regard to the objectives of Policies LP51 and LP52.

Heritage

- 10.69 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This approach is reflected in Policy LP35 of the KLP, which confirms that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the

asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.

- 10.70 The application site lies outside but adjacent to the boundary of Netherthong Conservation Area (CA), which runs along the edge of the northern boundary (Miry Lane) and includes The Vicarage and its curtilage. The application site would therefore be within the setting of the CA. The setting itself is not designated but it is the surroundings in which the heritage asset (the CA) is experienced.
- 10.71 In this case, the essence of the Netherthong Conservation Area is considered to derive from the central core of the village with traditional stone buildings in a variety of forms, either positioned close to the back edge of the pavement and tightly packed or set within more generous grounds and set back behind stone boundary walls. The CA also includes the mature wooded area to either side of Dean Brook.
- 10.72 In terms of the effect of the proposal on the setting of the CA, on the grounds that layout, scale and appearance are not for consideration at this time, it cannot be fully assessed and will be re-appraised at Reserved Matters stage with regard to the entirety of the Conservation Area, including The Vicarage and its curtilage.
- 10.73 The Council's Conservation and Design Team have noted, however, that the allocated site was assessed for the contribution it makes to the significance and setting of the Netherthong and Deanhouse Conservation Area as part of the Local Plan process. This concluded that the northern most section of the allocation adjacent to Miry Lane makes a moderate contribution to the significance of the conservation area. The landscaping to the site boundary provides aesthetic value to the Conservation Area by contributing to the rural setting. The indicative layout and parameters plan include provision for the northern part of the site, immediately adjacent to Miry Lane, to remain open to safeguard the setting of the Conservation Area, as required by the Local Plan. It is therefore acceptable in this regard.
- 10.74 With regard to the means of access, for which consent is sought, the more modern development in Netherthong that lies immediately to the south and east of the application site is not within the CA and provides an appropriate buffer to it. It would therefore cause no harm to the setting of the CA.
- 10.75 To the extent that permission is sought as part of this outline application, the proposal is considered to sufficiently preserve the setting of the Netherthong CA having regard to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LP35 of the KLP.

Ground conditions

- 10.76 The application is supported by a Phase 1 Site Investigation Report. This advises that the site is currently agricultural fields underlain by Huddersfield White Rock. There is believed to be coal mining and mineral mining on site and in the vicinity so there is a possible source-pathway-receptor linkage from contaminated land associated with this historical mining legacy.

10.77 The Council's Environmental Health Officer confirms that the reports are considered to be satisfactory and concur with the conclusions and recommendations. As a result of the mining legacy, however, contaminated land conditions are required in terms of seeking a Phase 2 Site Investigation Report, a Remediation Strategy (as required) and a Validation Report following completion of any necessary remediation measures. Subject to the imposition of these conditions, the proposal is acceptable with regard to ground conditions.

Climate change

10.78 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters except access reserved for future consideration. It is appreciated that the construction of new buildings has a footprint in terms of CO₂ emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that will be assessed as part of any future Reserved Matters submission. At that stage, consideration could be given to the life cycle of building materials and whether it could be specified through the development contract that materials have a low embodied impact.

10.79 Energy efficiency would also be considered at the Reserved Matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to encourage future residents of the proposed development to use sustainable modes of transport could be secured. This would include adequate provision for cyclists (cycle storage for residents) and electric vehicle charging points.

10.80 In order to clarify these measures, a condition is therefore recommended to require details of measures to promote carbon reduction and enhance resilience to climate change.

Response to representations

10.81 The majority of issues raised through the public consultation exercise have been considered in the report above. However, the following matters have not been specifically addressed in the assessment and are therefore considered below:

-There is no access agreed to the site. The two houses that own the boundary land at the end of Wesley Avenue adjacent to proposed access point. Why is this planning application being considered when there is no guarantee that the site can be developed even if planning is granted?

Response: Land ownership is a matter of civil law rather than planning law. Consequently, it is not a material consideration in the determination of a planning application and ownership disputes do not preclude a planning application being determined. In this case, the Council is aware of the claim by the owners of 11 and 12 Wesley Avenue that the strip of grassed land between the highway and the boundary wall of the application site is owned by them rather than being highway. However, Land Registry ownership register does not support this claim and it is the Council's position at this time that it is highway verge. Consequently, this is not a matter to preclude the determination of this application.

-Roads around Netherthong are in very poor condition.

Response: The condition of the roads cannot be attributed to a single development and road maintenance is a separate matter to the determination of a planning application under planning legislation.

- Access would put pressure on the road through the Denholm estate and with the added pressure of the Miry Lane development, in addition to the amount of traffic that has grown since the Cricketers development. The road networks of Netherthong are not suitable for a further increase in cars. The 30 new houses in Deanhouse (plus a further 22 on at Mary's) have contributed to the situation worsening.

Response: It is appreciated that there have been other recent developments within Netherthong, which residents feel to have a negative cumulative impact in terms of the amount of traffic. It is also acknowledged that this development would result in additional car use within the village but, as set out within the report, it is modest and the Council's Highways Development Management Team consider that it can be accommodated on the road network and would not result in a residual cumulative impact on the road network that could be deemed severe. A refusal on these grounds could not, therefore, be justified.

- The school is oversubscribed and cars within the village at both morning and afternoon drop off and pick up can lead to complete gridlock which can cause issues for 20-30 minutes either side of the school day. There is no more capacity for more children and more cars.

Response: The issue with congestion arising from pick up and drop off at the school is an existing situation that is not attributable to the proposed development. Whilst the proposal would result in more people living in Netherthong, the site would be within walking distance from the school should there be spaces available. The Transport Statement has demonstrated that on the highway network generally, there would be capacity for this development.

- Since the field at the end of Saint Mary's Avenue was built (by Jones homes) the traffic has been horrendous and speed of traffic is an issue.

Response: It is appreciated that there has been an increase in traffic over the years arising from new development within the locality. The local concern about speed of vehicles is also acknowledged although the level of accidents that have been recorded do not indicate a specific issue with traffic speeds, particularly as most of the roads into the village are narrow, which could be considered to have a natural effect on speeds generally.

- The Travel Plan does not reflect people's habits. People use their cars and will continue to do so in such a rural area.

Response: A Travel Plan is intended to introduce a change to people's habits. Whilst future residents may use their cars for some journeys, it seeks to encourage use of other means of travel where feasible or reducing the need to travel at all e.g. home working/online shopping.

- Buses are limited

Response: Bus frequency is addressed in the report. However, it is the case that patronage of bus services can influence the level of service that is provided.

- Parking in the village is already a massive problem and extra housing would exasperate this causing even more problems for pedestrians.

Response: The level of visitor car parking will be determined at Reserved Matters stage.

- Object to more houses being built as this will increase traffic and reduce personal active modes of transport and discourage parents from encouraging their children to walk or cycle to and from school, or just simply go out for a nice jog around the village.

Response: The application does include a Travel Plan to encourage more sustainable patterns of travel as set out in the report. Netherthong Primary School would be within walking distance if places were available and Holmfirth High School is also within walking/cycling distance albeit acknowledging the narrowness of local roads. There are also footpaths in and around Netherthong to encourage walking and recreation.

- The developers Transport Statement states only one incident in the past 5 years; this is no way able to represent the change in traffic volume and the problems this causes in the village on a daily basis. There are many incidents of grid lock around the Church and the shop, which often leads to ill-judged and sudden movements.

Response: The Transport Statement reports recorded accidents.

- As there are no suitable roads for the huge construction vehicles, traffic is regularly at a standstill and even the weight of general traffic means vehicles having to travel on small or no pavements. Emergency vehicles needing access would be regularly blocked as everything comes to a standstill.

Response: Construction would be temporary and no evidence of emergency vehicles physically being blocked has been provided.

- The application states that there are bus stops on Wesley Avenue which is not the case, the bus is a hail and ride service on Dean Avenue.

Response: A hail and ride service still provides the capacity to access a bus service.

- People do not walk to the doctors or to the supermarket and most people use their vehicles for such journeys so the argument that people will walk and not use their cars is not accepted.

Response: It is appreciated that future occupiers would use their cars for some journeys but this does not preclude them walking or cycling for others or adopting measures to remove the need to travel e.g. shopping deliveries, working from home.

- At the bottom of Dean Avenue if you are traveling north at the crossroads with Miry Lane and Deanbrook Road there is very poor visibility and is a grave traffic concern as cars traveling could easily have an accident due to this poor visibility. Due to the steep incline also at the junction at the end of Dean Road when it is poor weather conditions it is also an accident hazard.

Response: This is an existing junction and future users will need to have regard to junction visibility and the incline as existing drivers do. This is not considered to justify the refusal of the application on highway safety grounds.

- The local school already asks parents to use a one way system around the school at drop off and pick up time. This is not always adhered to and frequently there are traffic blocks on School Street and Giles Street because of this.

Response: This is an existing scenario rather than a matter that could be attributed to the proposed development. Furthermore, it is noted that the application for 21 dwellings on Miry Lane (2018/90192) gave £10K towards road safety and sustainable travel initiatives, and measures that may encourage parents and guardians to bring fewer cars to School Street. The Committee Report for that site refers to a project including accreditation under the Modeshift STARS scheme, commencing in 2019 and involving Council road safety trainers. These measures have yet to be implemented but could improve the situation locally in the long-term.

- In reality 36 houses, two cars per household - 72 cars likely to be making their way through the village in peak times.

Response: As set out in the report, the construction of 36 dwellings does not, based on evidence from other residential schemes, result in every future occupier leaving the development or returning to it at the same time. The predicted traffic generation is set out in the report and is accepted by the Council's Highways Development Management Team.

- To reach any of the local cycle routes it would be necessary to go on Moor Lane, which has the problem of stretches where two cars cannot pass and blind corners, or negotiate Holmfirth centre (always congested with HGV's and cars) via New road so that the option of commuting anywhere from Netherthong by bike would be for the very few confident cyclists only.

Response: It is appreciated that roads are narrow in the locality. However, this is not untypical of a rural area.

- The traffic assessment is based on data before the latest developments have even been occupied by new residents and their vehicles, and hence is meaningless;

Response: The traffic assessment is based upon an established database of trip rates for development. It is a standardised way to calculate future trips.

- The development makes a significant provision for motor cars with parking on many plots for as many as three cars at a time. This will encourage up to 100 extra cars in the local area, making journeys to and from work, school, local supermarkets, shops, services etc. Until local public transport services are vastly improved to take people to Holmfirth, Huddersfield and beyond the village will remain in the grip of the motor car.

Response: Bus services are partly determined by patronage. It could be argued that more people within the village that utilise the bus services may encourage public transport services to improve.

- Inaccuracies in the TA e.g. Moor Lane does not have a junction with Dean Avenue and neither does Holmdale Crescent as suggested in TA

Response: The report states that to the south, Dean Avenue becomes Denham Drive then Holmdale Crescent before joining the B6107 Moor Lane.

- The phrase "one minor arm" to describe the Dean Avenue element of the junction with Miry Lane, Giles Street and Dean Brook Road is misleading. Dean Avenue is steep at that point and that junction is exceptionally difficult to negotiate when approaching down the hill.

Response: The latter is a judgement – it is not incorrect to describe the Dean Avenue element of the junction as 'one minor arm'.

- The road traffic collision data is for the most recent 5 year period available (2014-2018). However, this is two years old and in no way reflects the highway safety issues that current exist in the village - particularly since the building of The Orchards.

Response: The applicant has used the available data. CrashMap now extends to 2019 but still only identifies one recorded accident in the last 5 year period.

- The Crashmap data results are only concentrated on a small area and do not include the whole of the section of Dean Brook Road where the 60mph speed limit operates, nor do they include the whole length of Thong Lane down to where it intersects with the main Huddersfield to Holmfirth Road (A6024). These are the two roads leading out of the village that are routinely used, along their entire lengths, by children walking to Holmfirth High School and by commuters in their cars.

Response: The Crashmap site shows no accidents on Thong Lane in the last 5 years. The closest accidents to Thong Lane recorded in the last 5 years, of which there were 2, occurred on Huddersfield Road in June 2015 and August 2016. These were identified as serious in terms of severity. Given the time since these accidents occurred, it would not suggest that this is an accident hotspot. There has been 1 accident on Dean Brook Road in the last 5 years in November 2018 involving 2 vehicles. The severity of this accident was recorded as slight.

- The traffic report does not include pedestrian deaths and injuries on the roads into and out of the village and so minimises the 'picture' of threat to pedestrian safety.

Response: Crashmap uses data published by the Department for Transport, which is based on records submitted to them by police forces. The records relate to personal injury accidents on public roads that are reported to the police. The website states that very few, if any, fatal accidents do not become known to the police although it does acknowledge that information on damage-only accidents, with no human casualties or accidents on private roads or car parks are not included in this data. The Crashmap data records no pedestrian deaths on roads into and out of the village in the last 5 year period.

- The claim in the Sanderson report that Huddersfield lies within a 31 minute cycling radius of the proposed development site requires detailed scrutiny. Whilst the journey (downhill) to Huddersfield, along the A6024 Huddersfield/Holmfirth Road, is just about doable within 31 minutes, it would take well over an hour for a relatively fit cyclist to ride back to the site from Huddersfield.

Response: It is just under 6 miles from Huddersfield to Netherthong on a direct route with an elevation change of approximately 168 metres (550 feet). 31 minutes would be an average speed of 11.6mph. At an average speed of

9mph it would take 40 minutes whilst 1 hour would represent a speed of 6mph. It is considered that none of these times are insurmountable for a commuting time.

- There will be an increase in run off which will put an extra burden onto the current waterways. This will only get worse as the land not only has its own run off but also that of surrounding land where the water filters through.

Response: Runoff from the site currently discharges into the brook and would do so at a greater rate under undeveloped conditions during a high magnitude storm event. The development will result in the management of surface water from the site. A reduction of storm flows from the site will result in a slight reduction in the maximum water level and velocity during storm events.

- It would cause increased water flow to the Brook which, again, is a flood risk in the area already without further displacement. In addition, the removal of major trees would exacerbate this issue which was a problem on several occasions in 2019.

Response: This is addressed in the report above.

- Every year, Holmdale Crescent, which runs parallel to Wesley Avenue has sewerage issues with blocked pipes. There has also been flooding issues earlier this year which may become exacerbated by any new development.

Response: Existing blocked pipes cannot be attributed to this development.

- The Flood and Drainage report presents a case that they intend to direct surface water into Dean Brook. The report does not detail what the impact will be in the Dean Brook Valley. Dean Brook flows through ancient woodland that is used and enjoyed by the community. Will it result in extra volumes of water and erosion?

Response: This is addressed within the report and by the applicant within the Dean Brook Capacity and Condition report.

- To connect the site's foul water system to the main system, one of the options would be to lay the workings down Wesley Avenue. This will impede access to the resident's homes and the site while this work is undertaken;

Response: The installation of pipe work is not a matter to be considered under planning legislation. It is not material to the determination of a planning application.

- The report suggests the use of 299m storage unit sunk into the ground to the north of the site to hold surface water. What is the expected lifetime of that unit? What will be the impact if it starts to leak? How will it be maintained?

Response: Arrangements to secure the long-term maintenance and management of the applicant's surface water drainage proposals would form part of the Section 106 Legal Agreement to ensure that appropriate management and maintenance responsibilities are in place.

- This sewer displays its inadequacy in the unpleasant manner of discharging raw sewage over 6 times a year on average. This raw sewage overflow finds its way into Hagg Dyke and is a pollution issue.

Response: It is unclear which sewer is being referred to. Nonetheless, the applicant has confirmed that the sewers for this development will be sized to accommodate the proposed flows in accordance with current standards.

- The wooded area surrounding Dean Brook to the north of the proposed development site is privately owned and there is nothing to show that the Developer has served notice on the owner of the woodland of the proposal to pipe water through that woodland into Dean Brook.

Response: The applicant has advised that a number of deliverable drainage options are being considered. These will form part of the detailed drainage proposal to be assessed at reserved matters stage and subject to conditions.

- A consequence of all of the mature trees in that woodland being the subject of Tree Preservation Orders, it would not be possible for the Developer, even with permission from the owner of the Woodland (and there is currently no evidence that the Developer has any such permission), to lay an underground pipe through that woodland as this would cause irrecoverable damage to the root systems of those trees.

Response: The applicant has confirmed that initial investigations have determined that there are options that would deliver a route through the woodland area without affecting the existing trees. They have also been in discussions with Yorkshire Water who have confirmed that the Beck is suitable to accommodate the surface water from the site and that they could requisite a deliverable route if necessary depending on which option is pursued. In any event, this is a detailed drainage matter that is subject to conditions.

- The houses will not match up to those already in place on Wesley Avenue and also surrounding houses, as shown by those houses that were built next to St Mary's as they look completely out of place in the village.

Response: Appearance is not for consideration at this time. It is a Reserved Matter to be assessed in due course.

- The development is next to green field and will push the boundary of the village out further.

Response: Whilst it is appreciated that local residents value the field as it is, the site is allocated for housing within the local plan and the site is considered to 'round' off the village as it would project no further into the countryside than the houses on Holmdale Crescent.

- The protection of Netherthong's visual, historic and archaeological qualities should also be supported and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Response: Appearance is not for consideration at this time. It is a Reserved Matter to be determined in due course.

- The properties that are built would be new builds; the village has mostly older buildings which is what draws people to the quaint village.

Response: The development would sit within the context of dwellings on Wesley Avenue and Holmdale Crescent, which are circa 1960/70s construction rather than traditional buildings within the centre of the village.

- The proposal claims that the site will maximise local surveillance. The objector considers that this is because the number of proposed properties are so tightly packed into the space that nobody will have sufficient privacy which may in fact have an adverse effect on the mental health of the residents.

Response: Layout is a Reserved Matter for future consideration. The development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The proposal is for a typical housing estate which would be best suited to an urban site.

Response: The development immediately adjacent to the application site is of a suburban character comprising regularly spaced dwellings with both a front and rear garden. The layout and appearance of the proposed dwellings will be determined at Reserved Matters stage having regard to the site context.

- All of the bungalows on Holmdale Crescent will be looking directly into the planned housing adjacent to them.

Response: Layout is a Reserved Matter for future consideration. The development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The plans show two storey houses, which will overlook single storey bungalows on Arley Close and Holmdale Crescent.

Response: The indicative layout plan actually shows bungalows closest to Holmdale Crescent but it is indicative at this stage. In any event, both layout and scale are reserved matters for future consideration but as above, the development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The land will be rife with wildlife which will simply vanish.

Response: The site has been subject to an Ecological Appraisal, as set out in the report above.

- Being in close proximity to moorland the fields around Netherthong have become a haven to brown hares and lapwings

Response: There will still be fields around Netherthong.

- Increased negative impact on wildlife and the environment is a major concern. It is already changing the ecology just by having the huge number of building vehicles destroying the natural habitats of many wildlife animals over the past two years;

Response: The site has been subject to an Ecological Appraisal, as set out in the report above.

- The unannounced attempt at demolition of the wall at the end of Wesley Avenue wall was started to be demolished in May when most creatures, birds and small mammals have young which they are feeding.

Response: The site has been subject to an Ecological Appraisal, as set out in the report above.

- The Ecological Survey was conducted in January and may not include all fauna and flora that may be present in and around the site. The recommendation contained in the ecology report that the opportunity for a second visit in May/June should be allowed to happen before any decision is taken. It is very important that this happens as there are bluebells that grow in the field and birds that nest in the walls

Response: Further surveys were undertaken on 3 July 2020 as set out in the report above.

- Up until the morning of Sunday 17 May 2020, there were native English Bluebells growing wild in the field, just behind the wall that divides that field from the grassed strip of land at the western end of Wesley Avenue. Due to their rarity, native English Bluebells are protected under the Wildlife and Countryside Act (1981). This means that digging up the plant or bulb in the countryside is prohibited. In addition, there were wrens nesting in that wall. The developer attempted to remove this.

Response: Contraventions of the Wildlife and Countryside Act are a criminal matter and cannot be enforced by the Local Authority.

The third field (the one that is furthest west) was not commented on at all in the 'Preliminary Ecological Appraisal'.

Response: The Ecological Impact Assessment has been undertaken on the basis of the red line boundary – extending to 3 fields.

- The site comprises three long-standing wildflower meadows; Greenfield spaces which have remained untouched for centuries. Wildlife including Pheasants, blackbirds, crows, jackdaws, wood pigeons, wrens, blue tits, goldfinches, foxes, have all been sighted. Bats and Owls regularly fly overhead and will lose this site as a feeding ground. Newts, Frogs and Toads have all been seen in gardens on Wesley Avenue, this proposal yet again diminishes the areas in which they can migrate.

Response: The site would be developed for residential use, which would include gardens and the provision of a landscape scheme to include native species. As such, it could still constitute a feeding ground. Measures to enhance bio-diversity, including bird and bat boxes would also be introduced.

- The school is already over-subscribed and there is a waiting list for the primary school - as a result it has been forced to accept class sizes above the government recognised limit of 30 per class.

Response: As set out in the report, additional places would be required at Netherthong Primary School and Holmfirth High School. The application would therefore be subject to a contribution to be calculated at Reserved Matters stage and to be secured through the S106 Legal Agreement. The provision and allocation of school places is not a matter to be addressed through the planning system. However, the contribution can be used for a variety of matters, including sites and construction costs for new schools, contributions towards the provision of additional classrooms and related facilities at existing schools (e.g. toilets/cloaks and ancillary facilities), contributions towards extending related external provisions including hard play, grassed areas and sports pitches or a contribution towards highway needs arising as a result of development including the provision of additional car parking in schools.

- Looks to be little provision for social housing

Response: 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing would be secured through the S106 agreement.

The majority of the houses in Netherthong will not be able to get their children into the local school as it is already overloaded. This will also result in more cars therefore more pollution to get their children to schools further away.

Response: That may be the current situation but school capacity is ever-changing and the education contribution can be spent on a variety of measures as set out above.

- Any attempt to obtain a place at the Doctors' surgery and a NHS dentist is very difficult with the current population. Local medical provision is at a maximum with people struggling to get appointments at local practices.

Response: The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system.

- The proposed building plot is immediately adjacent the conservation area of Netherthong. A modern building development will detract from the intrinsic value and appearance of this valued space and should be considered when considering planning permission.

Response: This is addressed in the report above.

- The proposal states "the only locations from which it is possible to view the allocated site from the conservation area is from Miry Lane to the north". However, the Vicarage to the north west of the site is also part of the conservation area and will be detrimentally impacted by this development, as the site will be in plain view. The Vicarage has been in existence for more than 150 years and a corner stone to the conservation area. Therefore the open space should be extended into plots 18-22 & 34-36 on the indicative plan so that all parts of the conservation area on the northern boundary benefit from the "aesthetic value" that the proposal is trying to preserve by creating the open space.

Response: The impact of the proposal on the setting of the Conservation Area will be fully assessed at Reserved Matters stage as detailed in the report.

- By making a picnic area and footpath through what is now a conservation area would be illegal. The whole point of a conservation area is that it's protected and undisturbed.

Response: It would not be illegal to create an area of public open space or a footpath within the Conservation Area. Conservation Areas exist to manage and protect the special architectural and historic interest of a place – it is not a requirement that they are undisturbed. This proposal has been assessed with regard to its impact on the setting of the Conservation Area as will the Reserved Matters submission in due course.

- Netherthong has already seen a big increase in the number of houses over the last 5 years.

Response: It is appreciated that other developments have been approved in Netherthong. However, each application must be considered on its merits. Moreover, the application site effectively results in a 'rounding off' of the village. The development of this site would not project any further west into the countryside than the properties at the western end of Holmdale Crescent and it would be within with the western edge of the village created as a result of the development adjacent to 8 Miry Lane to the north.

- Have KMC Planners taken into consideration that the Public Utilities in Netherthong are overstretched?

Response: The applicant will be responsible for utilities provision. It is not a requirement of the planning system for the applicant to demonstrate that they have sufficient utilities in place.

- What safeguards are there in place to ensure that there is compliance with the Building Regulations? It is axiomatic that the grant of planning consent should include that the quality of the workmanship of the development should be or a reasonable standard is that one of the aspect of granting planning is to ensure a good/reasonable quality development?

Response: Building Regulations constitute an entirely separate set of regulations to the planning process. The applicant is required to comply with relevant Building Regulations but it cannot be controlled through the planning process.

- This application should not be allowed as it contravenes the principal strategic objectives for West Yorkshire which is to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage.

Response: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The site has been allocated for housing through the local plan process and its assessment against the development plan, having regard to material considerations, is set out in the report.

- Whilst appreciating the need for more housing we already have many new builds in the village which are unsold. Surely the idea is to create homes and places for people to live not just fulfilling required numbers?

Response: The site has been allocated for housing through the local plan process as set out in the report. It is considered that Netherthong would be a desirable place to live, and market churn is not an indicator of a lack of demand or need.

- Many have an outlook over fields which contain a variety of wildlife and birdlife which will disappear if this development of 36 homes goes ahead.

Response: It is established in case law that there is no right to a view within the planning system.

- This village will lose its village status as the surrounding housing estates are encroaching on other areas e.g. Oldfield, Honley.

Response: No information has been provided as to what defines a 'village' status albeit that this development would result in a modest number of up to 36 dwellings.

- The assessment of the distance to local services being walkable (under 800m) is all based on pre-Covid 19 information. None of us know as yet what the world will be like once the pandemic is over but we know for sure that many pubs and restaurants will not be able to reopen.

Response: The application can only be based upon the services and facilities that exist at present.

- This is not an application simply to be rubber stamped by an uncaring, uninformed officer of the council, there are serious issues to be addressed properly - so a site visit by elected representatives is absolutely essential and crucial.

Response: The case officer has visited the site and whilst there are no formal site visits as part of the Committee process due to Covid restrictions, Members have the opportunity to visit the site independently.

- This existing wall at the bottom of the gardens of Holmdale Crescent will be the responsibility of the new properties if this application goes through. The existing gardens could slide when heavy machinery is digging foundations. The proposed houses are right up to this wall at the bottom of these gardens so digging will have to come right up to the wall. Concern about structural implications.

Response: This is a civil matter to be resolved between the interested parties.

- Unfair to push a planning proposal at this time when people cannot organise a local meeting and have to rely on emails.

Response: The Council have no control over the timing for the submission of an application. The application was submitted in May and residents have been given two opportunities to consider and comment on the proposals.

- Residents have had the current development ongoing for the past ten months resulting in persistent noise and a constant stream heavy lorries.

Response: It is appreciated that residents have experienced on-going development projects within the village. However, this would not constitute a reason to refuse planning permission. Case law has established that construction noise/disturbance issues are not material considerations in the determination of a planning application, because the impacts are temporary. The Council would, however, require a Construction Management Plan to ensure that matters such as dust prevention, parking for construction works, HGV routing etc. could be managed.

11.0 PLANNING OBLIGATIONS.

- 11.1 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development and (iii) Fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that it should be subject to a Section 106 agreement to cover the following:
- a. Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
 - b. Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
 - c. Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
 - d. Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.
 - e. A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).
- 11.2 The requirement for an obligation to retain the 20% affordable housing in perpetuity is set out in the report above. It will also be a requirement in due course that a management scheme is in place for any open space.
- 11.3 With regard to education, the contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This will be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. The number of additional pupils generated from new housing developments is estimated on the basis of an additional 3 children per 100 family houses per year group for primary and pre-school numbers, (7 year groups) and an additional 2 children per 100 family houses per year group for secondary (5 year groups). This provides a consistent approach to securing the education contribution within the planning application process.
- 11.4 The heads of terms in relation to drainage will ensure that arrangements are in place to secure long-term maintenance and management of the surface water drainage proposal. Similarly, the contribution to sustainable transport methods is reasonable and necessary to ensure that travel needs can be met by forms of sustainable transport other than the private car and are encouraged as a consequence of new development.

11.5 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The requirement for these obligations therefore conforms to guidance within the Framework.

12.0 CONCLUSION

12.1 This application seeks outline planning permission for the construction of up to 36 dwellings on a site allocated for housing within the Local Plan.

12.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or will be addressed at Reserved Matters stage or via conditions and the S106 Legal Agreement.

12.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is therefore recommended for approval.

13.0 CONDITIONS (Summary list. Full wording of conditions, including any amendments/additions to be delegated to the Head of Planning and Development)

1. Details of the Reserved Matters.
2. Time limit for submission of Reserved Matters.
3. Time limit for commencement of development.
4. Submission of Reserved Matters (layout) broadly in accordance with the Parameters Plan to a maximum of 36 dwellings.
5. Submission of a Construction Management Plan to include means of access to the site for construction traffic.
6. Access construction in accordance with approved plan.
7. A scheme detailing the proposed internal adoptable estate roads.
8. A scheme for the design and construction details for all new retaining walls.
9. Details for all new surface water attenuation tanks/pipes/manholes located in the highway.
10. Updated Ecological Impact Assessment at Reserved Matters stage and development in accordance with the EIA recommendations.
11. Biodiversity Net Gain Plan at Reserved Matters stage.
12. Submission of Phase 2 Intrusive Site Investigation Report.
13. Submission of Remediation Strategy.
14. Implementation of Remediation Strategy.
15. Submission of Validation Report.
16. Development in accordance with Flood Risk Assessment mitigation measures.
17. Details of final scheme detailing foul, surface water and land drainage.
18. Details of the operation, maintenance and management of the surface water drainage infrastructure.

19. Site to be developed by separate systems of drainage for foul and surface water on and off site.
20. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
21. Procedures for dealing with unexpected contamination.
22. Biodiversity enhancement, net gain and Ecological Design Strategy.
23. Provision of Electric Vehicle Charging Points
24. Measures to promote carbon reduction and enhance resilience to climate change.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91146>

Certificate of Ownership – Certificate B signed – notice served on site owner(s) 25 May 2020.