

---

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

**STRATEGIC PLANNING COMMITTEE**

**Date: 24-Feb-2021**

**Subject: Planning Application 2020/92067 Erection of 30 dwellings former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF**

**APPLICANT**

C Wright

**DATE VALID**

02-Jul-2020

**TARGET DATE**

01-Oct-2020

**EXTENSION EXPIRY DATE**

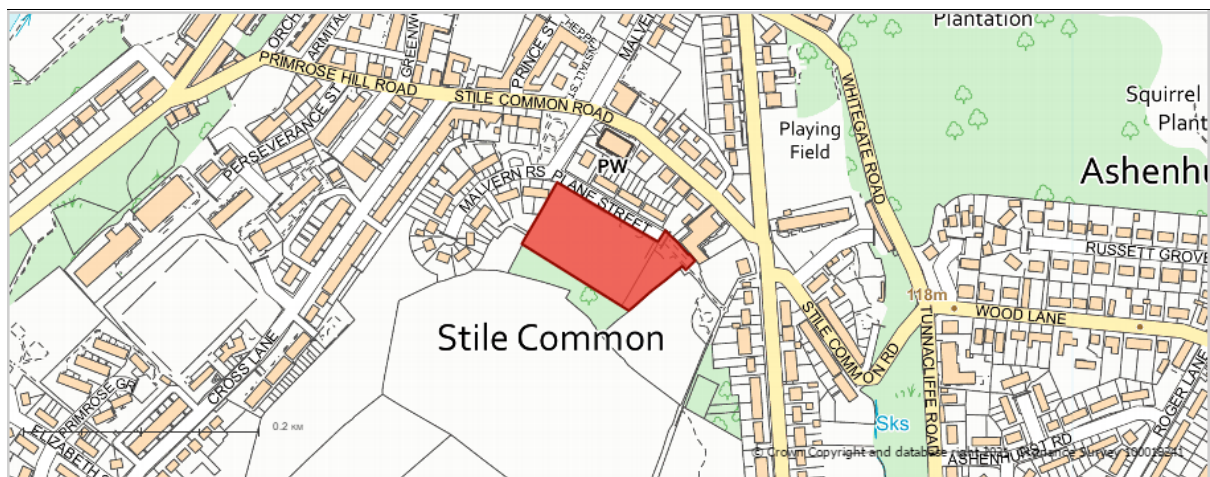
03-Mar-2021

---

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: Newsome Ward**

**Ward Councillors consulted: Yes**

**Public or private: Public**

---

## **RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions, including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Affordable Housing – 30 units (all) for affordable rent, with stipulation that 100% of units are to be retained as affordable housing in perpetuity;
2. Open Space – Off-site contribution of £42,667 to address shortfalls in specific open space typologies;
3. Ecology – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain;
4. Management – The establishment of management and maintenance arrangements of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the S106 agreement has not been completed within 3 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 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 full planning permission for the erection of 30 dwellings. All of the units would be affordable, with the applicant being a Registered Provider. The site is owned by the Council (the Council is not the applicant) and it is part of the Small Affordable Housing Sites programme, where the Council is working with Registered Providers to build affordable housing.
- 1.2 Under the Delegation Agreement the application triggers a Planning Sub-Committee (Huddersfield Area) decision (site area over 0.5ha, but less than 61 units). However, to benefit from Homes England funding, the applicant requires a decision prior to March 2021. The Planning Sub-Committee (Huddersfield Area) dates fall unfavourably for the time limit imposed by Homes England. It has therefore been agreed between the Chairs of the Planning Sub-Committee and Strategic Planning Committee that the application be referred to the latter, as is permitted by the Delegation Agreement.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site has an area of 0.79ha and is located circa 800m south of Huddersfield Town Centre. It is predominantly brownfield land, which previously accommodated Stile Common Infants and Nursery School. The school was closed in 2009 and was demolished in 2011. What remains is a surfaced area, which has naturalised since the demolition. The east of the site does, however, include woodland outside of the former school's grounds. Within the site, land levels initially slope gently upwards from south to north, before becoming much steeper towards the woodland to the south.
- 2.2 Plane Street runs along the site's north boundary. On the opposite side of the road are rows of terraced dwellings of a traditional appearance, which face towards the site. Beyond these houses, at the end of the road, Plane Street currently changes from an adopted road into an unadopted surface, before becoming a pedestrian only path.
- 2.3 The site has a stone retaining wall along the pavement of Plane Street, varying between 2-3m in height with iron railing above. There are two closed off pedestrian gates into the site from Plane Street, but no vehicle access. The former School's vehicular access was via an unadopted private track from Malvern Rise to the west, which is shared by several dwellings. To the south of the site, outside of the red-line, is mature woodland which then gives way into open fields, with woodland and a park to the east.
- 2.4 The site is part of housing allocation HS44 (with the rest of the allocation being the woodland to the south). The site is within Flood Zone 1 and is within a Development High Risk Area as defined by the Coal Authority. The site is neither within a Conservation Area nor near to any Listed Buildings. It does, however, fall within the area of the Castle Hill Setting Study.

## **3.0 PROPOSAL**

- 3.1 The application seeks full permission for the erection of 30 dwellings. This would comprise 9 x 2-bed dwellings and 21 x 3-bed units.
- 3.2 All 30 units are to be retained as affordable rent, with the applicant (Unity Housing Association Ltd) being a Registered Provider who would retain and manage the units. Approximately 630sqm of Public Open Space would also be provided on site, adjacent to the new access point.
- 3.3 A single access point is proposed from Plane Street. The unadopted part of Plane Street would be made to an adoptable standard, with the site's access taken from this elongated part of Plane Street. An estate road would run centrally through the site (east to west), with all dwellings facing onto it, sited to the north and south of the road.
- 3.4 Dwellings on the north of the road would be terraced, with one semi-detached pair. They would all be two storeys. The south dwellings would be semi-detached with one terrace of three. The south dwellings would be split level, presenting three storeys to the front and two to the rear.

3.5 All dwellings would be faced in artificial (reconstituted) stone, specified as Marshall's Cromwell Pitched Face (weathered colour) stone with concrete roof tiles. Roofs are to be double pitched, with side facing gables, although some units have feature gables as detailing.

#### **4.0 RELEVANT PLANNING HISTORY**

##### **4.1 Application Site**

2014/92925: Outline application for erection of residential development – Withdrawn

Note: The boundary for 2014/92925 is larger than that of the current proposal, incorporating more land to the west and south.

##### **4.2 Surrounding Area**

*56, Stile Common Road*

2020/93859: Erection of single storey extensions and dormer windows to front and rear to form first floor accommodation. Detached two storey garage/store to rear with access from Plane Street – Pending Consideration

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

5.1 The site is one of several that form part of the Council's Small Affordable Housing Sites (SAHS) Programme, which will be delivered by Registered Providers to develop 100% affordable housing. Accent Development Consortium is the Preferred Partner selected to deliver the programme, and Accent Housing Association submitted a pre-application enquiry in July 2019. As part of the SAHS Programme, discussions continued between officers and the applicant on a wide variety of material planning considerations, but specifically including layout, design and highways.

5.2 The applicant undertook a community consultation exercise on the 28th of January 2020, at the Primrose Hill Liberal Club. Approximately 20 local residents attended, with the issues raised including objections on access and traffic, drainage, coal legacy, overlooking and ecology.

5.3 During the course of the application, officers raised various concerns, with the applicant providing the following additional information or amendments to address the issues raised:

- A revised surface water drainage and flood routing strategy;
- Revised front and rear elevations to add more design interest into the scheme, with supporting cross sections and streetscene elevations;
- A Heritage Impact Assessment considering the impact upon Castle Hill;
- Revised and extended Ecological Impact Assessment;
- Supplemental indicative design details of the highway;
- Omitting the southern woodland from the red-line, which is to remain in Council ownership, due to access issues.

5.4 After considering risks and the impending deadline for Homes England funding, the applicant, Accent Housing Association chose to withdraw from the scheme. However, another Registered Provider engaged with the SAHS Programme. Unity Housing Association has agreed to progress the application with the aim of delivering the affordable homes. Formal agreements were put in place for Unity Housing Association to become the applicant.

## 6.0 PLANNING POLICY

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

### Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is part of land allocated for residential development in the Local Plan (site allocation ref: HS44). The site allocation HS44 has an indicative housing capacity of 32 dwellings. The site is adjacent to Urban Green Space (ref. UG149).

6.3 Site allocation HS44 identifies the following constraints relevant to the site:

- Site is in an area that affects the setting of Castle Hill
- Part/all of site within a Development High Risk Coal Area

6.4 Relevant Local Plan policies are:

- **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** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

- 6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
  - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
  - Waste Management Design Guide for New Developments (2020)
- 6.6 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation but have not been adopted.

#### National Planning Guidance

- 6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19<sup>th</sup> February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
  - **Chapter 4** – Decision-making
  - **Chapter 5** – Delivering a sufficient supply of homes
  - **Chapter 8** – Promoting healthy and safe communities
  - **Chapter 9** – Promoting sustainable transport
  - **Chapter 11** – Making effective use of land
  - **Chapter 12** – Achieving well-designed places
  - **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
  - **Chapter 15** – Conserving and enhancing the natural environment
  - **Chapter 16** – Conserving and enhancing the historic environment

- 6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

#### Climate change

- 6.9 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.10 On the 12<sup>th</sup> of November 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **7.0 PUBLIC/LOCAL RESPONSE**

### *Public representation*

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council’s adopted Statement of Community Involvement.
- 7.2 Following the amendment to the scheme’s description, the application was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.3 The final public representation period for the application expired on the 13<sup>th</sup> January 2021. Ten representations were received in total, eight within the original publicity period and two in the second. The following is a summary of the comments made:
- The proposal would harm the amenity of local residents, through overbearing, overshadowing, overlooking, noise, and increased traffic.
  - The site is structurally unstable, and there is a legacy of coal mining in the area. Insufficient site investigation has been undertaken on this matter as the site had active coal workings in the area. There has been subsidence in the area. Developing the site would create issues for existing residents and neighbouring properties.
  - The drainage plan is not adequate.
  - The proposed dwellings are out of keeping with the area. Queries on how boundary treatments would be designed and the impact upon the open land to the south.
  - Concerns over the demand upon local services, including schools and health services.
  - Parking in the area is an issue, with on-street parking attributed to the university and those going to town. Increased traffic movement would further harm highway safety.
  - Queries over the extent of the applicant’s local community engagement, with comments that the event was inadequate. Conflicting consultation dates were published on the Council’s website and notification letter.

- The surrounding area's drainage network is poor quality and not fit for additional dwellings.
- Concerns over impacts to local ecology and trees.
- Access onto the site from Plane Street would not be appropriate and would become very congested
- objection to the use of Malvern Rise's access to the site. Use of Malvern Rise's has already damaged walls.
- Construction traffic would impact upon local residents.

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

7.5 Later amendments and submissions of information were minor in scope and did not necessitate further public re-consultation

7.6 Ward Members have been consulted on the application. Councillor Andrew Cooper requested answers to a local resident's questions. These were provided with no further comments received.

7.7 Councillor James Homewood raised questions relating to ecology and the impact upon local deer. This was considered by, and responded to, by the Council's Ecology officer. There is no specific legislation protecting deer of habitats inhabited by deer. Notwithstanding this, a full assessment of the proposal's ecological impact is detailed further in the below report. Please see paragraphs 10.68 – 10.69.

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory

**K.C. Lead Local Flood Authority:** Objected to the initial proposal. Provided guidance and feedback on the submission, which led to an amendment to the scheme. Based on the latest submitted details, the LLFA have no objection subject to conditions.

**K.C. Highways Development Management:** Requested further details and clarification on the proposed access road. These were provided, and K.C. Highways have confirmed no objection subject to conditions.

**The Coal Authority:** The CA have reviewed the submitted Coal Mining Risk Assessment. They agree with the report's finding that further investigation is required, however they are satisfied that this may be addressed via a suitably worded condition. Subject to their requested conditions being imposed, no objection.

**Yorkshire Water:** No objection subject to condition.

### 8.2 Non-statutory

**K.C. Conservation and Design:** The submitted Heritage Impact Assessment adequately considers the proposal's impact upon Castle Hill. Conservation and Design conclude they have no objections on heritage or design grounds, with no conditions considered necessary.

**K.C. Crime Prevention:** Provided advice and feedback on the design, which was incorporated where able.



**K.C. Ecology:** Have worked proactively with the applicant and their ecological consultant to address issues initially raised. Based on amended details, concluded no objection subject to condition and securing an ecological net gain via either on-site works or off-site contribution.

**K.C. Education:** Confirmed that no financial contribution, either primary or secondary, is required.

**K.C. Environmental Health:** No objection subject to conditions, including the provision of charging points, contaminated land investigations and a Construction Environmental Management Plan.

**K.C. Landscape:** 2888sqm of Public Open Space is needed for the proposal. The provision of 630sqm of on-site Public Open Space (437.4sqm of Amenity Green Space and 192.6sqm of Natural and Semi-Natural Green Space) is welcomed, with provision, management, and maintenance needing to be secured via S106. An off-site contribution of £42,667 is required to off-set the shortfall, also to be secured via S106.

**K.C. Strategic Housing:** Welcome the proposed 100% affordable housing contribution, to be secured via S106, while noting the Ward has a need for 1 and 2 bed units, and a significant need for 3 and 3+bed dwellings.

**K.C. Trees:** No objection subject to conditioning the provision of an Arboricultural Method Statement.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design
- Residential amenity
- Highways
- Drainage
- Other matters
- Representations

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site falls within a housing allocation, reference HS44, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS44 is expected to deliver 32 dwellings. The application proposes 30 dwellings. However, the application's red-line boundary does not cover all of HS44, excluding 0.11ha of the allocation. The excluded land is the woodland within the south of the allocation.
- 10.5 The excluded land falls under the same ownership as the application site. The development of the whole allocation, including the woodland, was explored by the applicant as part of a pre-application enquiry. The difficult topography made establishing an appropriate layout impractical, while the loss of trees and ecological impacts were undesirable. The proposal, if implemented, would prevent access to HS44's remaining 0.11ha, preventing its future development. Nonetheless, given the constraints on this portion of the site and having reasonably considered and discounted options of developing the woodland, officers are satisfied that the development of the woodland is not appropriate in this case and its exclusion would not be contrary to the Local Plan's master planning principles. Excluding the woodland's 0.11ha, the proposal has a density of 38 dwellings per hectare and is considered to comply with the aims and objectives of LP7.
- 10.6 Looking beyond density, LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The proposal seeks only 2-bed (9 total) and 3-bed (21 total) units. When questioned on their proposed housing mix the applicant has provided a statement detailing their reasoning. Newsome Ward has a high percentage of student accommodation, which has reduced the availabilities of 2-bed and 3-bed dwellings for local

families. There is a deficiency of these unit types in the Ward, particularly affordable units. Kirklees Council Strategic Housing Team, who have worked with the applicant, support the mixture proposed. Officers accept this justification and considered the housing mixture appropriate for the area.

- 10.7 The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

#### Sustainability and climate change

- 10.8 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.9 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Notably the site is within close proximity of Huddersfield Town Centre. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.10 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.11 The applicant has provided a brief statement on how they intend to address Climate Change further:

*Unity adopt a fabric first approach which fully adhere to the current Part L Building Regulations. These require high levels of insulation to floors, walls, roofs and all doors and windows. We aim to achieve the Code for Sustainable Homes level 3 certification. This is a voluntary standard but demonstrates our commitment to building sustainable homes and striving towards higher environmental standards throughout the build and during occupation. The proposals include consideration for flood risk and sustainable drainage with detailed proposals submitted to deal with onsite storm water storage as well as minimising water usage in the dwellings. As part of the application we are also providing electric car charging points and looking at ways to increase the net ecological gains on the site. The design of the blocks has taken the local topography into consideration, minimising the impact of the development by introducing split level properties. The new homes are all designed to meet the Nationally Described Space Standards, Lifetime Homes and Secured by Design criteria.*

- 10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

### Urban Design

- 10.13 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.
- 10.14 The wider area is prominently residential. These properties do not have a uniform appearance although the houses closest to the site, on Plane Street, are characterised by their traditional hipped roof form and ground floor bay windows. The site also adjoins an area of open space to the south. Careful design is therefore needed to reflect the establish townscape and approach to the open environment, and the site does have the constraint of difficult topography. It also falls within the 'Castle Hill Setting Study' boundary. However, as an overgrown brownfield site, it is presently considered to detract from the character of the area.
- 10.15 The layout proposed, featuring a central road with two opposing rows of dwellings, is acceptable and reflects the layout of the nearby residential streets. Retaining the woodland to the south forms an effective buffer from the adjacent open land. Parking is predominantly sited to the front of dwellings, with the density and layout preventing side parking. At pre-application stage a high level of parking was proposed which removed all soft landscaping and green space from the front of dwellings. This led to a visual 'sea of tarmac' which was not welcomed. A reduced level of parking, below that recommended by the Highway Design Guide SPD's recommended amount, was agreed to allow for the introduction of soft landscaping. This had to be balanced against the need to ensure an appropriate level of parking. The layout as now proposed is considered to be acceptable. The highway implications of this are considered later within this report. The moderately sized Public Open Space on the access would contribute to an open character and setting when entering the site.
- 10.16 The site's existing ground level is higher than the neighbouring streets, with a prominent retaining wall on Plane Street extending to a height of between 2 – 3m. Levels within the site continue to increase from south to north. This retaining wall is to be kept, bar a small section being reduced in height to enable sightlines by the proposed access. Excavations within the site would create a level area for the road and dwelling frontages, with the dwellings to the south of the access road being split level to act as a further retaining feature. As a result, the proposal does include split level dwellings that would have three-storey front elevations, which are not common in the area. Consequently, the scale is considered an appropriate response to the site's topography and the two-storey north dwellings would effectively limit most views of the larger dwellings from outside of the site.

- 10.17 With regard to their appearance, the proposed dwellings would have a typical modern vernacular. A mixture of semi-detached and terraced units is proposed, which is appropriate for the area. However, as only three house types across 30 units are proposed, repetition was raised with the applicant. Feature gables were introduced to address this. Other design enhancements included improvement to window layout and sizing to make them larger and more proportionate. On the rear elevation of the north dwellings fronting onto Plane Street, bay windows to the rear of several of these dwellings was introduced to ensure an active frontage onto Plane Street, and to replicate the bay windows prominent on the properties along the road.
- 10.18 The dwellings would be faced in artificial stone. Materials in the area are varied, with artificial stone, natural stone, render, timber, and brick being evident. The applicant has specifically proposed Marshalls' Cromwell Pitched Face (weathered colour), which is considered to provide a good standard of artificial stone and is appropriate for the area. It is noted that the site is neither within a Conservation Area nor immediately adjacent to a Listed Building. While it is within the Castle Hill Study Area (considered further below), the separation distance would limit the material's impact upon the heritage asset. Roofing is to be concrete tiles. While stone slates are evident on older buildings, grey concrete tiles are common in the area and are not opposed in this development.
- 10.19 External works include the retention of the existing retaining wall along Plane Street, with a length of 7.6m to the east of the vehicular access lowered to 1m for sightlines. The gate voids would be infilled although the posts would be retained to show their original location. The plans also show a 1.5m high timber fence atop the retaining wall, to secure residents privacy. While not opposed in principle, officers consider that the fence be set behind the wall, not atop it, and the iron railing being retained as a visually preferable arrangement. This amendment would be secured by condition. Rear gardens would be subdivided by timber fencing at 1.8m, which is not opposed, although complete details of boundary treatment are to be secured via condition. A full and detailed landscape strategy, to include tree replanting, with maintenance arrangements would also be secured via condition.
- 10.20 The proposed works would notably change the character and appearance of the site and wider area. However, as existing, the site is considered detrimental to the visual amenity of the built environment. The proposed development is considered to be sufficiently well designed and it would result in an attractive continuation of the residential environment. Through the retention of the woodland, there would also be no harm upon the setting of the open land to the south. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

#### *Impact upon the historic environment*

- 10.21 LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework outline considerations for development affecting the historic environment. The site is neither within a Conservation Area nor immediately adjacent to Listed Buildings. However, it is within the Castle Hill Study Area. The hill is a Scheduled Ancient Monument (Historic England ref: 1009846) and Victoria Tower is Grade II Listed. Section 66(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 places a statutory duty upon the Council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The Local Plan allocation for HS44 also requires applications on the site to be supported by a Heritage Impact Assessment (HIA).

- 10.22 The submitted HIA has been reviewed by K.C. Conservation and Design, who state the following:

*Conservation and Design concur with the findings of the report which states that “the development will, in part, introduce a new visual element within the setting of Castle Hill and Victoria Tower this will not impact upon the identified significance [of] these assets. The development will be seen as part of the existing urban areas of Huddersfield and will not impact upon the composition of views towards or from Castle Hill. As such, impact upon the setting to the heritage assets is considered to be neutral.”*

*The proposed development will therefore accord with Policy LP35 of the Local Plan, which requires that development proposals preserve the setting of Castle Hill.*

*The retention of the former school wall and railings into the development is welcome, this will assist in integrating the development into the existing streetscene.*

*Conservation and Design have no concerns on heritage or design grounds.*

- 10.23 Officers concur with the above assessment and are satisfied that the proposal. It is therefore considered that the proposal would have no perceivable effect on Castle Hill or its setting, which would be preserved. It would therefore comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

#### Residential Amenity

- 10.24 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.25 The rear elevations of plots 01 – 12 would face the front elevations of 1 – 15 Plane Street. There would be a change in level between these existing and proposed dwellings of between 3.5m and 4.7m but there would be a separation distance of 27.5 metres. This is significantly more than a typically accepted separation distance of 21 metres between main habitable room windows.
- 10.26 Different land levels between facing properties are not atypical in hillside settlements. Indeed, properties on the nearby Malvern Rise have an existing arrangement similar to that proposed, with the southern dwellings being on a similar high ground level compared to those on the street's north, with a comparable separation distance to that proposed. For these reasons, the separation distance is considered sufficient in this instance to negate concerns of overlooking, overbearing and overshadowing.

- 10.27 Plot 15 would adjoin the side boundary of 1 Malvern Rise. As originally proposed, plot 15 was set back notably compared to no.1. This led to a close angle of view, with plot 15 being too close and prominently visible from no. 1's rear windows and garden spaces. The scheme was subsequently revised so that plot 15 would be staggered from its attached neighbours, so that it would be set more in line with 1 Malvern Rise. Following this amendment officers are satisfied that plot 15 would not have an overbearing upon no. 1's occupiers.
- 10.28 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not incompatible with existing surrounding uses.
- 10.29 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.30 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.31 The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. In the current proposals, all dwellings would be NDSS-compliant, as set out within the table below table:

<b>House Type</b>	<b>Number of units</b>	<b>Proposed (GIA sqm)</b>	<b>NDSS (GIA sqm, lowest number of occupants)</b>
2-bed 2-storey	9	79	70
3-bed 2-storey	6	93	84
3-bed split 2 / 3 storey	15	99	90

- 10.32 Garden sizes are considered commensurate to the scale of their host dwellings. All of the proposed houses would also benefit from being dual aspect, and would have satisfactory outlook, privacy and natural light. This is taking into considering the separation distance between units within the site and the proximity of plots 16 – 30 to the south woodland, with separation distances being adequate in each case.

- 10.33 Public Open Space of 630sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. However, this falls below the required on-site contribution, calculated in accordance with Local Plan policy LP63 and the methodology set out in the draft Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. Newsome Ward is acknowledged to be deficient in recreation grounds. To offset this shortfall a contribution of £42,667 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.34 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

### Highways

- 10.35 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.36 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.37 The unadopted portion of Plane Street is to be made to an adoptable standard and would connect into the new road to serve the development, which would likewise be to an adoptable standard. Adequate sightlines have been demonstrated although part of the site's wall onto Plane Street would need to be reduced in height to no greater than 1m. The provision of the sightlines via condition is proposed.
- 10.38 The submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. Full technical details of both the Plane Street works and new access road, to an adoptable standard, are to be sought via condition.
- 10.39 For a 30-unit residential development, the applicant's Transport Assessment predicts 21 two-way vehicle movements in the AM and PM peak periods respectively (8 arrivals and 13 departures in the AM Peak, reversed for the PM). This is deemed to be a reasonably low level of traffic, which would not have a detrimental impact upon the capacity of the local network. Reviewing



collision record, the Transport Assessment has identified no personal injury collisions in the vicinity of the site or on the highway network surrounding the site in the latest five-year period. The TA concludes that *'the local highway network is operating safely and there are no patterns or trends that indicate any other specific highway safety problems along the local highway network'*. This is accepted by K.C. Highways DM.

10.40 Considering parking layouts and provision, all two-bed units (nine units in total) would be served by one parking space each. The three-bed units would have two parking spaces. Four visitor parking spaces would be provided within the site. A total of 51 dedicated resident's off-road parking spaces would be therefore be provided, with 4 visitor parking spaces and space on-road to accommodate additional vehicles.

10.41 The Local Plan does not have set parking standards, with LP22 (Parking) stating:

*The provision of parking would be based on the following principles:*

*e. car parking provision in new developments would be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;*

*f. new developments would incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off-street parking in accordance with current guidance;*

10.42 Notwithstanding the above, the Kirklees Highways Design Guide SPD has recommended minimum parking standards 'as an initial point of reference'. The three-bed units having two parking spaces complies with this, however, the two-bed units would be expected to have two parking spaces each. This would be 18 in total but only 9 are proposed, resulting in a deficit of 9 below the desired minimum. The SPD also recommends visitor parking at one per four dwellings so that 8 would be preferred, resulting in a deficit of 4 as part of this proposal. However, as per LP22, the SPD states that lesser provision may be considered when evidence is provided. The SPD references the NPPF:

*Government's policy on parking is set out in the National Planning Policy Framework. The NPPF states that when setting local parking standards for residential and non-residential development, policies should take into account:*

- the accessibility of the development*
- the type, mix and use of development*
- the availability of and opportunities for public transport*
- local car ownership levels*

10.43 In this regard, the site is noted to be 800m from the edge of Huddersfield Town Centre (southern ring road), with the whole of the town centre being within 2km. 2km is considered the 'preferred maximum' for journeys on foot. Local amenities include top up shops, with primary schools, high schools, and supermarkets within a 2km distance. Bus stops are located on Stile Common Road to the north of the site and Newsome Road to the east of the site. These are all accessible within a 300m walking distance of the site and therefore, it can be reasonably assumed that residents of the development would walk to these stops to utilise the frequent bus services.

10.44 On the point of local car ownership levels, the submitted Transport Assessment states:

*'local car ownership levels are approximately 0.8 cars/vans per dwelling (for MSOA Kirklees 042, based on 2011 census data). Therefore, this would equate to a demand for approximately 23 off-street parking spaces for the development. It can therefore be concluded that the level of parking to be provided is more than sufficient to cope with the expected operational requirements of the development'*

Highways Development Management also note that most parking in the area is upon the highway, with few dwellings having dedicated off-road parking. The proposed layout can reasonably accommodate a level of on-road parking, as is typical for the area.

10.45 Furthermore, the application is also supported by a Travel Plan which sets out a series of measures that would encourage changes in the travel patterns of residents and their visitors to the development from the use of the single occupied private vehicle to more sustainable forms of transport. This includes the provision of secure cycling parking for residents within their rear gardens. Following the adoption of the Kirklees Highway Design Guide, Highways Development Management (HDM) no longer seeks to monitor Travel Plans on residential sites less than 50 units, such as this site. However, the implementation of the Travel Plan's recommendations by the applicant would be welcomed and a condition is proposed with specific regard to the provision of cycle parking in accordance with the Travel Plan.

10.46 Considering the above, it is therefore concluded that the level of parking proposed is, on balance, acceptable. While some additional parking could be forced into the frontages to the dwellings, this would have notable impacts upon the attractiveness of the street, the harm of which would outweigh the benefit of additional parking within the planning balance.

10.47 A late request for a financial contribution of £25,345 for metro cards and bus stop improvements (digital displays) was received from West Yorkshire Combined Authority Metro. Given that the site is within walking distance to numerous amenities, including Huddersfield Town Centre, and that the proposal is for 100% affordable housing, such a request is not considered to pass the following tests for planning contributions, not least in terms of not being '*necessary to make the development acceptable in planning terms*' and '*fairly and reasonably related in scale and kind to the development*'. It will therefore not be sought in this instance.

- 10.48 Given the scale and nature of the development officers would seek a Construction Management Plan via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.
- 10.49 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

#### *Waste collection*

- 10.50 A turning head would be provided within the site, which has been demonstrated to be able to accommodate a refuse vehicle.
- 10.51 All units are shown to have a dedicated storage space for up to three bins in an accessible location, which is welcomed. For most units, their bin-store would be located to the front, due to having gardens accessible by stairs or because of being mid-terraced, with screening proposed to limit the visual impact. However, specific details of the screen, such as height or material, are not given. The submission of these details and the provision of the waste storage areas is to be secured via condition.
- 10.52 Dedicated bin collection points are not provided. This was considered but led to a notable reduction in greenery to frontages on a site with a lot of hard surfacing to the front of dwellings. Each dwelling has a front path onto the highway where bins could be placed on collection day; weighing the visual impact of bin presentation points against the practical value, officers are satisfied that bins may be presented on the paths, off the public highway, on collection day, with minor inconvenience for occupiers without bins blocking either the road or pavement.
- 10.53 The proposed development is considered to have acceptable refuse storage and collection arrangements, which can be managed without harming the safe and efficient operation of the highway, in accordance with LP21(f).

#### Flood Risk and Drainage

- 10.54 Assessing flood risk first, the site is within flood zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low risk). Furthermore, the site is less than 1ha in size, with no other known nearby sources of flooding. Therefore, a site-specific Flood Risk Assessment is not required. Surface water flood routing has been considered by the Lead Local Flood Authority (LLFA) and is concluded to be acceptable. Accordingly, there are no flood risk concerns.

- 10.55 Regarding drainage, foul drainage would be via the main sewer. This has not been opposed by Yorkshire Water and is considered acceptable. Surface water, sustainable drainage systems of infiltration techniques are considered to be unsuitable on this site, which the LLFA concur with. The applicant has followed the hierarchy of drainage before reaching the proposed discharge into public combined sewer. Technical details, including discharge rate and attenuation size, are supported by the LLFA. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.
- 10.56 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.57 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

#### Other Matters

##### *Air Quality*

- 10.58 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.59 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.60 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

##### *Contamination and Coal Legacy*

- 10.61 The site is within a High Coal Risk Area. A Coal Mining Risk Assessment (CMRA) was submitted with the application and sent onto the Coal Authority (CA) for assessment. Based on a review of appropriate sources of coal mining and geological information, Section 6.4 of the report concludes that possible 'ancient' shallow mine workings pose a potential risk to the proposed development. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes, in order to investigate the nature of any shallow workings present beneath the site.

- 10.62 The CA concur with the CMRA's findings and recommendations. Therefore, they advise that a set of intrusive site investigations be undertaken, reported and appropriate remediation details be provided via a condition prior to works commencing on site. Subject to these conditions the CA does not object to the proposal.
- 10.63 Regarding potential site contamination, the application is supported by site investigation reports. This has been reviewed by K.C. Environmental Health, who support the findings. Site remediation and validation are recommended within the reports. Officers and K.C. Environmental Health consider that conditions regarding remediation and validation can be included on a subsequent grant of planning permission and this would be a satisfactory way of dealing with this issue
- 10.64 Subject to the above, the proposal is considered to comply with policy LP53 of the LP and Chapter 15 of the NPPF.

#### *Crime Prevention*

- 10.65 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24(e)

#### *Ecology and Trees*

- 10.66 There are no trees benefiting from Tree Preservation Orders within the site or on neighbouring land. Nonetheless LP33 establishes a principle against the loss of trees of significant amenity value. The proposal would necessitate the removal of numerous trees, including young growth within the former school's curtilage, and a portion of the neighbouring east woodland. However, none of these trees are considered to be of significant amenity value, being poor quality and not enhancing the character of the area. Their loss could be adequately mitigated against through appropriate re-planting, to be secured within a detailed landscape scheme via condition.
- 10.67 The woodland to the south of the site is considered to be of greater value, which factored into its removal from the proposal's developable area. The proposed dwellings are considered a sufficient distance away not to impact upon the health and future growth of the trees. However, to ensure no negative impacts during the construction period, K.C. Trees have requested that an Arboricultural Method Statement be secured via condition. Subject to this, the proposal is considered to comply with LP33 of the Local Plan.
- 10.68 The application is supported by an Ecological Impact Assessment (EclA). It identifies that the site is well removed from formal designated sites and does not form part of the Local Plan's Wildlife Habitat Network. In terms of value, the south woodland was identifying to be of high ecological value, which factored into its removal from the proposal. Of the land remaining within the application's red line, the former school site is considered of little to no value, with the east woodland being of moderate value. Considering the small size

of this woodland, the impact assessment and the mitigation suggested within the EclA, K.C. Ecology are satisfied that the overall impacts are not significant. This is subject to a Lighting Plan and Ecological Design Strategy being secured via condition, to ensure appropriate mitigation is introduced to the site.

- 10.69 In addition, a net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net loss of 3.45 ecological units on site. With a desired 10% net gain, this level of ecological unit loss would necessitate an off-site contribution of £88,481, to be spent on enhancements in the local area by the Council. This figure has been reported to the applicant, with final agreement yet to take place. Discussions are ongoing on this matter, with further information to be provided within the update. The agreed figure is to be secured within the S106 agreement.
- 10.70 Pending this resolution and subject to the given conditions, officers are satisfied that the proposal complies with the aims and objectives of LP30 of the Kirklees Local Plan.

#### *Mineral extraction*

- 10.71 The application site falls within an area designed as a Mineral Safeguarded Area (Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. The applicant has indicated that it would not be feasible to work these minerals due to the scale of the site, its urban setting, and the proximity of existing dwellings to the north and west.
- 10.72 Officers concur that local constraints would be such that mineral extraction in this location would not be viable. It would not be possible to allow adequate standoff areas to provide an amenity buffer between the existing residential properties surrounding this site and allow a sufficient area to work the mineral resources.
- 10.73 It is therefore considered that the proposal complies with the aims and objectives of LP53 regarding mineral safeguarding issues.

#### Planning obligations

- 10.74 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 this application should be subject to a Section 106 agreement to cover the following:

#### *Affordable Housing*

- 10.75 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution would be 6 units.

- 10.76 The applicant is a Housing Association and intends for all 30 units to be operated as affordable rent properties. Affordable rent is recognised as a form of affordable housing; thus, the scheme would provide 100% affordable rent.
- 10.77 In terms of tenure, the Interim Affordable Housing Policy sets an expectation of affordable units to be split 55% affordable rent and 45% intermediate tenure. Intermediate tenure has been discussed with the applicant but would not fit in with their business model. As the 45% intermediate tenure expectation would only apply to the policy expectation of 20% of total units, this would equate to 3 intermediate tenure. Having 3 intermediate tenure units within 27 affordable rent properties would not be appropriate. Planning and strategic housing officers are satisfied that the benefits of 30 affordable rent units outweigh the harm of not including 3 intermediate tenure units in this instance.
- 10.78 A S106 is proposed, to include a clause, requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of LP11 of the Local Plan and the Council's Interim Affordable Housing Policy.

#### *Education*

- 10.79 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. 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 would only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would 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. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.80 K.C. Education have considered local primary provision (Hillside Primary School) and secondary provision (Newsome High School) and concluded that no education contribution is required as there is sufficient capacity within these schools to accommodate the proposal.

#### *Public Open Space*

- 10.81 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide or contribute towards new open space or the improvement of existing provision in the area. Based on the scale of the development 2888sqm of on-site Public Open Space is needed for the proposal, an off-site contribution of £56,540, or a mixture of the two.
- 10.82 The provision of 630sqm of on-site Public Open Space (437.4sqm of Amenity Green Space and 192.6sqm of Natural and Semi-Natural Green Space) is welcomed, with that proposed being an appropriate layout. The provision, management, and maintenance needing to be secured via S106. An off-site contribution of £42,667 is required to off-set the shortfall, also to be secured via S106. With these secured via S106, the proposal is deemed to comply with LP63.

## *Ecology*

- 10.83 In accordance with LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.84 As set out within paragraph 10.69, an off-site contribution is expected for this site, valued currently at £88,481 to provide 10% net gain. This figure is being negotiated with the applicant, with an update to be provided to members.

## *Management and maintenance*

- 10.85 As a Registered Provider who would retain the housing stock as affordable rent units, the site would remain in the ownership of the applicant. Nonetheless, the heads of terms would include the provision of long-term maintenance and management of the surface water drainage features (until adopted) and the on-site Public Open Space.

## Representations

- 10.86 Ten representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed.

- Concerns over the demand upon local services, including schools and health services.

**Response:** There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, it is considered that primary and secondary provision is adequate with K.C. Education advising no financial contribution is needed.

- Queries over the extent of the applicant's local community engagement, with comments that the event was inadequate. Conflicting consultation dates were published on the Council's website and notification letter.

**Response:** The applicant undertook a community consultation exercise on the 28th of January 2020, at the Primrose Hill Liberal Club. Approximately 20 residents attended, with the issues raised including objections on access and traffic, drainage, coal legacy, overlooking and ecology. Given the scale of the development, this is considered proportionate.



- The surrounding area's drainage network is poor quality and not fit for additional dwellings.

**Response:** The management and maintenance of adopted sewers on public land is the responsibility of Yorkshire Water. Should the sewers not be in a state to accept new connections, a formal declaration can be made. Yorkshire Water have been involved in discussions regarding the application and raised no such issue.

- Objection to the use of Malvern Rise's access to the site. Use of Malvern Rise's has already damaged walls.

**Response:** Malvern Rise was formally used as an access to the school for deliveries. However, this was understood to be via a right of access and not ownership. Malvern Rise it is not part of the same land title as the application site and is not proposed to be used as part of this application. A new access is to be formed from Plane Street.

## 11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposal seeks residential development on part of a housing allocation HS44. The development does exclude part of HS44 and would prevent the future development of the remainder of the allocation. Nonetheless, for the reasons given in this report, officers are satisfied that the proposal represents an efficient and effective development, with an appropriate density considering the constraints of the allocation. Therefore, the principle of the proposed residential development is accepted.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.
- 11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 30 affordable rent units, and open space, with circa 630sqm on-site and off-site contributions to enhance local facilities, in line with policy.
- 11.5 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 is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Securing use of proposed materials and the submission of roofing samples.
4. Notwithstanding submitted details, full boundary treatment plan to be submitted, to include fencing set behind retaining wall and railing retained.
5. Final site levels to be agreed.
6. Technical details of Plane Street and new Road.
7. Parking spaces proposed to be provided and retained.
8. Provision of bin-storage and details of screening.
9. Construction Management Plan (CMP).
10. Highway condition survey.
11. Sightline secured as per plan.
12. Submission of cycle storage details, and implementation.
13. Charging points, one per dwelling.
14. Contaminated Land (Remediation).
15. Contaminated Land (Validation).
16. Construction (Environmental) Management Plan (C(E)MP).
17. Temporary drainage strategy during construction period.
18. Submission of technical drainage strategy.
19. Ecological Design Strategy to be submitted, approved and implemented.
20. Ecological Lighting Strategy to be submitted, approved and implemented.
21. Landscaping scheme, to include replacement tree replanting.
22. Submission and implementation of Arboricultural Method Statement.

### Background Papers

Application and history files accessible at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/92067>

Certificate of Ownership B signed. Notice served on:

- Kirklees Council.