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

**STRATEGIC PLANNING COMMITTEE**

**Date: 28-Apr-2021**

**Subject: Planning Application 2020/90725 Erection of 68 dwellings with associated access, parking and open space (revised plans) Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW**

**APPLICANT**

Farnley Estates (No 1)  
LLP/Engie Regeneration  
Ltd/Stonewater Ltd

**DATE VALID**

10-Mar-2020

**TARGET DATE**

09-Jun-2020

**EXTENSION EXPIRY DATE**

31-May-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Almondbury Ward**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

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

- 1) Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
- 3) Education – A contribution of £135,308 to be spent upon priority admission area schools within the geographical vicinity of this site to be determined prior to the commencement of development;
- 4) £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
- 5) A contribution of £37,851.00 towards a sustainable travel fund;
- 6) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

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

**1.0 INTRODUCTION:**

- 1.1 This is an application seeking full planning permission for a residential development of 68 dwellings on a site allocated for housing in the Local Plan.
- 1.2 In accordance with the Council's Scheme of Delegation, it is brought to this Committee because it relates to a development of more than 60 dwellings and also, due to the significant volume of local opinion on the proposal.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is broadly rectangular and extends to 2.20 hectares. It is situated approximately 4.5km from the centre of Huddersfield on the east side of the A629 Penistone Road. To the north, it is bounded by Whitegates Grove. To the eastern boundary is a disused railway line, the embankment of which rises up from the site edge. Beyond this, at a higher level than the site, are residential properties on Whitegates Grove and Clough Way. The southern boundary is adjoined by the gardens and curtilage of residential properties on Woodsome Drive.

- 2.2 The site is presently an agricultural field, principally characterised by its open form and topography, which slopes up from Penistone Road. The existing levels along the western boundary of the site are between approximately 83-85m AOD. Along the eastern boundary, they are in the range of 90m-98m AOD, resulting in a level change across the site of between 7m to 13m. It is a physically contained site, defined by the natural stone wall that forms its perimeter along the A629 as well as vegetation to its remaining boundaries. In addition to a single tree that sits centrally within the field, there is a group of mature trees to the northern edge of the site, including some protected under a Tree Preservation Order (TPO). There is a further TPO on a group of trees along the disused railway embankment adjoining the north-east corner of the site as well as further planting along this embankment. Planting exists along the southern boundary, both within and adjacent to the site.
- 2.3 The immediate surrounding area is mainly residential in character with housing development to the north, south and east of the site, forming part of the settlement of Lepton. Lepton village lies to the east. The land on the opposite side of Penistone Road is open farmland within the Green Belt.
- 2.4 The site is identified as a Housing Allocation (HS1) within the Kirklees Local Plan Site Allocations and Designations (February 2019). It is referenced as 'land to the north-west of Woodsome Drive, Fenay Bridge' with a gross and net site area of 2.27 hectares and an indicative capacity of 68 dwellings. Site constraints are identified as noise from traffic on Penistone Road, its location close to an area of archaeological interest and that it is partially within a High Risk Coal Referral Area.

### **3.0 PROPOSAL:**

- 3.1 This planning application seeks full planning permission for the construction of 68 semi-detached dwellings comprising the following:

22 X 2 bedroom dwellings  
46 X 3 bedroom dwellings

The original application indicated that the houses would be a combination of affordable rent and shared ownership i.e. 100% affordable. The proposal has subsequently been amended to an open market housing scheme with 20% affordable provision. It would deliver 14 affordable properties comprising 10 x 3 bed and 4 x 2 bed homes.

- 3.2 A new vehicular access point into the site would be created along the frontage from Penistone Road. This initial section of road would be designed as a standard estate carriage with a 5.5m wide carriageway and 2m wide footways on both sides. A shared surface cul-de-sac arrangement would then ensue within the estate. One cul-de-sac would extend towards the northern end of the site with houses on each side. The other would extend southwards to serve the wider part of the site with the dwellings arranged on both sides and a turning head at the end to provide turning facilities.
- 3.3 The position of the road and dwellings is a consequence of the site's topography. The arrangement of the road and houses would run in bands on a north-south alignment that would respect the contours of the site and broadly follow the existing gradient. A retaining structure would need to be constructed along both the eastern and part of the southern boundary to accommodate level changes across the site.

- 3.4 The houses would be spaced consistently throughout the site with the majority provided with two on-plot parking spaces on a driveway to the side. Visitor car parking would be incorporated throughout the estate.
- 3.5 The development would be two storeys in scale. The application form indicates that the houses would be constructed in reconstituted stone with a grey concrete tile roof. An off-white render would be used on a select number of properties. The application indicates that the houses would be traditionally detailed with artstone lintels and cills, a window hierarchy with typically larger windows to the ground floor and bay windows to some frontage properties.
- 3.6 The proposal includes two areas of public open space (POS). The largest would be positioned at the entrance of the site. This would incorporate a 450m<sup>2</sup> LEAP (Local Equipped Area for Play). A second area of POS would be provided at the northern tip of the site to accommodate the protection of the existing mature trees along the northern boundary. A footpath would connect through this POS to Whitegates Grove. This is the route of a public footpath (KIR/64/40) that joins into a branch of footpaths (KIR/64/30 and KIR/64/10) providing a connection towards Common End lane and Fenay Bankside.
- 3.7 The site would be comprehensively landscaped. With the exception of new entrance points, the existing stone wall to the front of the site would be retained and repaired. Behind the wall would be areas of native shrubs along sections of the frontage as well as new tree planting. New tree planting would also be incorporated within the areas of POS, to the frontage of some properties and within the street scene.

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

- 4.1 There are no previous planning applications on this site.

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

- 5.1 The site was the subject of a pre-application enquiry in 2018 in accordance with 2018/20226, which considered two sites in Lepton that were, at that stage, identified for housing in the emerging Local Plan. Following a meeting held on 31 August 2018, a formal written response was subsequently provided on 5 October 2018. This set out general advice relating to the application site in respect of policy, affordable housing, layout, highways, drainage, environmental issues and bio-diversity.
- 5.2 In the course of the planning application, the applicant has been asked to provide a range of additional information in response to statutory and non-statutory consultation responses and to revise the site layout. The revisions to the scheme have included the following:

A reduction in the number of dwellings from 74 to 72 and subsequently to 68;  
A revised layout to address the impact of the proposal on the living conditions of those immediately adjoining the site;  
A revised drainage strategy;  
A revised Noise Impact Assessment;  
A revised Air Quality Impact Assessment;  
A revised Arboricultural Impact Assessment;  
Additional ecological information;  
New/additional tree planting/landscaping.

5.3 In March 2021, the agent confirmed in writing that they wished for the proposal to be determined as an open market housing scheme with 20% of the properties to be affordable rather than 100%. The original plan they submitted identified 14 affordable homes in the key but showed 18 on the plan. A corrected layout plan was subsequently submitted in April 2021 identifying the location of the 14 affordable units that are proposed.

## **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) (KLP).

### Kirklees Local Plan (2019)

6.2 The site is allocated for residential development in the Local Plan (Site Reference HS1 - Land to the north west of Woodsome Drive, Fenay Bridge, Huddersfield. It is identified as having a net and gross site area of 2.27 hectares and an indicative capacity of 68 dwellings. Identified constraints are the noise from road traffic on Penistone Road, being close to an area of archaeological interest and part of the site being within a High Risk Coal Referral 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

LP23 – Core walking and cycling network

LP24 – Design

LP26 – Renewable and low carbon energy

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP32 – Landscape

LP33 – Trees

LP34 – Conserving and enhancing the water environment

LP47 – Healthy, active and safe lifestyles

LP49 – Educational and health care needs

LP50 – Sport and physical activity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP63 – New open space

LP65 – Housing allocations

## Supplementary Planning Guidance / Documents:

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

Highways Design Guide SPD (2019)  
Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)  
Green Street Principles (2017)  
Kirklees Interim Affordable Housing Policy (2020)  
Providing for Education Needs Generated by New Housing (2012)

6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the ‘Quality Places’ consultation. These have undergone public consultation, but have not yet been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and also subject to public consultation. It is yet to be adopted but it is a technical advice note is to provide guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

## 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)  
Technical Housing Standards – Nationally Described Space Standards (2015, updated 2016)

## 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 Statement of Community Involvement submitted by the applicant confirms that a pre-application consultation exercise was undertaken in September 2019. It states that a public exhibition was held on Wednesday 11th September 2019, to which around 750 local households and businesses around the site, as well as borough and parish councillors, were invited to attend. On the day of the public exhibition, 121 people attended, including one borough councillor. Subsequent newsletters were sent out by the applicant to update residents on the proposal.
- 7.2 With regard to the statutory consultation as part of this planning application, it 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 (3) and a press notice in the Huddersfield Examiner (27 March 2020). It was also advertised by means of direct neighbour notification letters that were sent 12 March 2020. A total of 77 representations were received objecting to the development.
- 7.3 Whilst there is no statutory requirement under the DMPO to undertake any consultation on revised proposals, letters were sent to all interested parties on the revised scheme that amended the proposal from 74 dwellings to 72 dwellings on 7<sup>th</sup> August 2020. A further 38 objections were received.
- 7.4 The scheme was then revised from 72 to 68 dwellings in October 2020. However, at that time a further general public re-consultation exercise was not undertaken as it was felt unlikely to address the majority of matters raised by local residents previously regarding the principle of development.
- 7.5 Nonetheless, residents were again consulted in March 2021 with regard to the latest revision to the application to modify it from a 100% affordable housing development to an 80% market housing: 20% affordable housing scheme. This also resulted in a modification to the number of visitor parking bays from 15 to 21. A further 8 objections have been received albeit broadly reiterating concerns previously made.
- 7.6 In total, there has been 132 letters of objection to this proposal, including comprehensive responses from GAIL. 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%2f90725>. A summary of the responses received is set out below:

### Highway and Transport Issues

- Penistone Road is already impossible to get onto due to traffic numbers;
- By putting houses so far from local amenities and shops, people are forced to use their cars, causing congestion and pollution;
- Traffic problems on Penistone Road are well known and significant concerns about adding a new junction;
- Penistone Road is one of the busiest in Kirklees and at peak time, the traffic build can be very high and at off-peak times there are daily occurrences of

speeding and dangerous driving. Adding another junction will increase the difficulty and result in danger to traffic;

- Rowley lane and Station Road junctions are already notoriously difficult;
- At rush hour it already takes some time to make a right-turn onto Penistone Road. Further vehicles will increase the chance of accidents;
- To travel to Huddersfield using public transport would involve crossing the road next to the Rowley Lane junction, which would be a danger to pedestrians;
- The resident often has to queue for 5-10 minutes to pull out of Station Road or Rowley Lane. The road is 40mph but incredibly congested at peak times;
- It is very difficult (and dangerous) to join Penistone Road from Kirkburton, (North Road), from Farnley Tyas (Woodsome Road), from Lepton (Station Road) and Almondbury (Fenay Lane). The impact of yet more traffic will only add to the difficulties and dangers of joining Penistone Road as can be seen from the number of accidents there are;
- There have been many accidents on this small stretch of the road with many recent calls for traffic lights going unheeded;
- The applicant is making a "gesture" towards traffic management by adding a right-turn lane into the estate's single entrance but this is not good enough to stop accidents;
- There will be an average of 178 residents (based on an average of 2.4 per household) within the proposed development. The Travel Plan states it will encourage the use of public transport, so no doubt there will be a number of these residents, both adults and children who will use this method of transport. However, this will lead to pavement and bus stop congestion, causing danger issues for pedestrians, cyclists and motorists alike, on what is an already very busy main A category road;
- Local infrastructure is not adequate, (or certainly at risk of being put under higher pressure due to increased demand) to service the proposed development.
- Only the most experienced of cyclists would consider cycling on Penistone Road, where traffic volumes are high.
- Future residents of the development will be strongly motivated to use their cars for most or all trips, even short ones. The disused former Kirkburton branch railway offers an opportunity for safe and environmentally friendly walking and cycling. It is largely intact between Highburton and Waterloo, and suitable for development as the Fenay Greenway. It would seem reasonable for the developer of this site to make a significant contribution to the cost of the section between Rowley Lane and Station Road;
- The proposed access to the site is positioned where Penistone Road curves towards the East. This creates a blind spot for motorists exiting the bottom of Rowley Lane and householders exiting their driveways just before the bottom of Rowley Lane;

- Penistone Road for pedestrians is currently unsafe, particularly for any more than one person at a time, due to cars travelling at high speeds with a narrow pavement;
- Is the new right turn sufficient on its own?
- The amount of traffic on Rowley Lane at school pick up and drop off times is totally unacceptable and causes difficulty traveling around the village. This development will just exacerbate matters;
- Traffic lights will have to be installed due to the increase of traffic from Penistone road up and out of Rowley Lane which already has a history of RTA's. This must not go ahead to the detriment of the local community;
- Residents have previously petitioned the Council to reduce the speed limit along Penistone Road at Fenay Bridge from 40mph to 30mph and to undertake a comprehensive traffic and highways survey;
- Given the increase in traffic volumes and mindful of the need to ensure cyclists' safety, are there any plans to create a cycle lane for each direction of the A629 Penistone Road and what impact would this have on the width of the road and the flow of vehicular traffic?
- The bus services are provided by just one Bus Company. What happens if the firm goes out of business or they decide to stop running a route or makes a significant change to its timetable (such as stopping all Sunday services). What provision is there for people who work unusual hours, particularly at night time?
- Any assessment of the Highways and Access implications of the proposed development will be fundamentally flawed if no account is taken of the potential cumulative impact of both other housing developments in the immediate vicinity (i.e. HS2 and HS3) and, given that the A629 Penistone Road is a primary route south of Huddersfield towards Sheffield and the M1, other developments in the surrounding area;
- The proposed HS2 and HS3 would have their main access onto the A629 Penistone Road less than 0.2 of a mile further south from HS1. The Local Plan housing allocations for HS1, HS2, HS3 and the above Sites provide for a total indicative capacity of 2,462 new dwellings. By extension, using the most recent 2011 Census Key Statistics on Kirklees Car Availability, the 2,462 additional dwellings would result in +/- 3,400 extra vehicles using Penistone Road at the point where HS1 would be developed;
- The application states that the development would have 137 parking spaces (for 74). The proposed parking allocation does not comply with the SPD provision for 166 spaces. There must be concern about the potential knock-on effects of the actual number of vehicles, vehicle movements (including service vehicles) and associated noise and air pollution;
- Whilst the statistics shown in the applicant's reports state there is not an excessive amount of accidents in the location in the five years up to 2018, there have been unreported cases witnessed by a resident where vehicles have hit the stone wall on this stretch of Penistone Road. As a result of an

increase in vehicles, it will become an accident high risk area, particularly for vehicles turning right out of the development;

- The use of public transport, should this be a chosen and encouraged form of transport will result in the bus stops being crowded, the pavements busy with children, parents with prams, and buses pulling up interrupting the traffic flow.
- The applicants report states that the pavement (which is currently only on one side of the road, with just a very narrow grass verge on the other side) is 1.7m wide. This is challenged as this is the widest point but it reduces down to 1.1m;
- Stonewater advertise that they will rent properties to persons as young as 16. Therefore, there's a risk that this development will be occupied largely by young adults in the age group 17-24. Should those tenants have vehicles / access to vehicles that means a high-risk junction will be negotiated several times on a daily basis, by drivers who statistically carry the highest proportion of risk on UK roads;
- Although there are 2 bus services along Penistone Road, at this point in time, one service has only 6 buses per day, while the main service is hourly;
- The width of Penistone Road is not 8.7m as stated – it varies. Measured at 8.19m just beyond the access junction outbound to Whitegates. The central hatching was 1.51m and not 2.5m wide;
- The plans provide for a 2.5m ghost lane to hold up to 7 vehicles but if the width of the road varies, the road lanes will be severely restricted;
- The pavement on the outside of the road measured 1.6m – less than stated in the report;
- Disparity between distances in report and those provided by 'googling them' in terms of distance to shops/services etc.;
- TA claims the ghost lane minority access to Whitegates Grove is 2.5m but it is 1.9m. The ghost lane access marked by a T-road junction sign approximately 300m north along Penistone Rd from the Whitegates Grove turn off serves a total of 4 homes and is 1.73m. This second minority junction is not referred to in the transport report. A narrow ghost lane to serve 74 houses would therefore be dangerous;
- The proposal for an additional access point along this dangerous stretch of Penistone Rd will mean there will be 6 access points off Penistone Rd in a relatively short distance. The combination of speeding traffic, increased traffic levels along with so many junctions is deadly;
- No mention is made of both the numerous recorded accidents and minor unreported ones around the staggered junction at Station Rd/ Fenay Lane and the seriousness of some of those accidents;
- The further inclusion of islands on this stretch of road will make it more dangerous for cyclists by creating pinch points;

- Rowley Lane is already a race track and a busy road with no traffic calming adding additional traffic will compact this with potential heavier traffic due to more housing;
- The local bus stops are too small to support the extra number of people;
- No plans to slow the traffic along this Penistone Road between Station Road and Rowley Lane and negligent to allow a development to enter/exit from this road;
- There are no plans showing a safe crossing point for pedestrians;
- The revised plan has 11 dwellings with only one allocated parking space, 9 dwellings of which are all located together on the south western corner of the site. Three of these dwellings do not even have the one space allocated at either the side or in front of the property;
- The whole site has only 11 allocated visitor spaces. This falls far short of the 1 per 4 dwellings policy. There will be a combined effect with the lack of 2 spaces per dwelling.

#### Drainage and Flooding

- The land has a serious problem with flooding and the drains are not suitable for purpose;
- The field already becomes waterlogged and the creation of new hard surface as a result of development will mean more flooding on Penistone Road;
- The field has a very steep slope and without its ability to soak up heavy rains (and with heavy rain become a regular feature of the climate), it is considered that the proposal will result in severe flooding on Penistone Road;
- In light of recent flooding, too early for developer to claim that flooding of the area is only a 1:1000 year event;
- The road is liable to flooding. This development of tarmac, paving and hard landscaping will exacerbate this no end and a pumping station only proves to bolster this point;
- The documentation does not include a Flood Risk Assessment (FRA) nor a response from the Environment Agency;
- There are many springs running down the field into Penistone Road, which does flood;
- In recent heavy rain Penistone Road was standing in water, Fenay Beck below was massively swollen coming dangerously close to homes at the bottom of Woodsome Road and Brewery Yard off Fenay Lane, flooding Harvey's and entering the car park at Morrisons. Building here will increase these problems even with a good drainage system;

- Surface water will run down the development towards Penistone Road (downhill, away from the proposed new development) and inevitably place greater stress on Fenay Beck, which already bursts its banks in heavy rain;
- The building of houses on this land will create a greater risk of flooding. As this field takes in water from the hill above and the houses situated above the field, if houses are built then there will be no soak away for the rain water;
- Disagree with the findings of drainage reports submitted and discharge rates to a stated outfall which have been assumed;
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge;
- The development site is historically affected by top water run-off and natural issues particularly associated with the land drainage of the adjoining former railway line, cuttings and embankments. Has this been researched, evaluated and accommodated?
- The character of the site existing top soil cover is permeable and normally allows good absorption with ordinarily little run off. Development of the site seems to involve extensive excavation which will expose less permeable strata with the consequent increase in run-off.

#### Noise, Air Quality and Pollution

- Additional noise;
- 74 houses will result in at least 120 vehicles contributing to local air pollution (by the builders own figures);
- Considerable level of noise and disturbance to adjacent properties from car doors, deliveries, outside activities, motorbikes, barking dogs, music etc.;
- The Noise Assessment suggests that future occupiers would be expected to keep their windows closed for a significant portion of every twenty four hours to avoid unnecessary exposure to high noise levels and query how this is acceptable? Their gardens will also experience high noise levels?
- The provision for electric vehicle charging is grossly exaggerated, vehicles of this type and price are not likely to be to be used by residents of affordable social housing, not really an issue other than the that it is obvious that vehicles will be of the highest polluting types, the density of which (taking into account the 139 allocated parking places in a small compact area) is going to be massively detrimental on the local environment, noise and air quality;
- The location of the site is such that many local services and amenities are not within easy walking distance. Walking along Penistone Road is unsafe and subject to traffic pollution;

- A development on this scale will change the local population significantly – What guarantees do existing residents have in terms of the obvious increases in traffic, air + noise pollution as a result of a major housing development?
- The issue of air quality, both from construction of the development and particularly from the increased traffic volumes using the A629 Penistone Road is a major concern;
- An assessment be carried out on the cumulative effects of emissions from vehicles using Penistone Rd in order to predict the impact on air quality;
- Taking into account HS2 and HS3 (allocated sites) using the 2011 Census Key Statistics on Kirklees Car Availability, these developments would result in +/- 3,400 extra vehicles using Penistone Road at the point where HS1 would be developed. If an AQMA is deemed necessary, who will bear the cost of the mitigation measures?
- Concerned that the proposed roadside development of intermittent houses - space - houses will cause us to be subject to intermittent amplified traffic noise to severe nuisance level;
- Concerned regarding potential severe nuisance and loss of privacy due to vehicle headlight trajectory glare onto the frontage of an adjoining property at night-time;
- The incline of the site and its south-west facing orientation causes it to be subject to the 'downwind' effects of the oft-prevailing south-west air flow. The potential therefore of very high concentrations of harmful traffic fumes and excessive noise from the frequent increasingly slow moving and often queuing traffic, to occupants of the proposed nearby development overlooking the grossly overloaded Penistone Road;
- The direct void noise corridors from the A629 traffic noise source and adjoining properties remain virtually unaltered in the revised scheme;
- Concerned about a change in character of the received noise due to the development layout. Currently, traffic noise is of a tolerable, consistent uninterrupted tone. Due to the proposed site layout receipt of traffic noise at our property will be intermittent, variable and therefore persistently annoying.

Green Belt (NB: The site is not within the Green Belt)

- This is Green Belt land and Kirklees should be looking to build on Brownfield land before green;
- More erosion of the Green Belt – Brownfield sites should be prioritised;
- Why build on Green Belt, which is a natural lung for Penistone Road.

## Density and Design

- The houses will look out of character with the surrounding area;
- The volume of houses planned (written in response to the 74 originally proposed) is too high on such a small site;
- The house design is 'boring';
- There is a large number of houses in a small space compared with the surrounding area and their appearance and very basic build quality of the houses, in the style of 1960s/70s local authority housing would not fit with the surrounding area;
- The proposed development is not in keeping with the stylistic context or scale of the local area and neighbourhood. Existing properties in the neighbourhood are in the main individually designed properties with significant space between buildings and consist of detached properties with a smaller mix of larger than average semi-detached properties;
- The proposed properties are uniform in both appearance and layout resulting in incompatibility, not in scale or context with existing properties in the adjoining area;
- The proposals for HS1 in layout, tight proximity and house type (all semi-detached) pay no respect to its surrounds and will appear very much out of character with the locality;
- No provision made for public open space at the southern end of the site;
- Reviews of other Stonewater developments have very negative comments regarding the quality of building materials etc. This will have a further negative effect on the locality (NB Stonewater are no longer the applicant);
- The Local Plan states development for up to 68 dwellings and there are 74 proposed by the developer (NB Amended to 68 in the course of the application).
- The layout is very much in a uniformed style and at the admission of the developer that the highest density is at the south side of the site;
- The south boundary is the main boundary in relation to the effect on the existing residents, and there are no plans for green or open space, no landscaping or screening. However, the open public space areas are positioned in locations where there are substantially fewer properties, and also has the back drop of already existing trees and shrubbery, which has been described by the developer as a substantial buffer to the properties to the eastern boundary;
- The relationship to existing houses is closer than 21 metres between main habitable windows;

- The amount of space allowed on the estate is too small for the number of children likely to be on the estate and there no green spaces nearby for children to play. If fewer houses were on the site, there could be bigger green spaces for recreational use by residents;
- Not even the idealised CGI of the proposed development on land off Penistone Road at Fenay Bridge manages to conceal the dull, homogenised nature of the 74 homes (as originally proposed) planned for the site;
- The proposed site is totally out of context, scale and style with the surroundings. It is crammed and ugly, in what is a beautiful part of Huddersfield;
- The location of the proposed development is the first sight of any green field landscape and countryside, upon leaving already densely populated urban areas on the outskirts of Huddersfield, and the visual impact of this will have a negative effect on the neighbourhood. The proposed landscape/public open space within the development is very poor;
- The design and layout of the proposed properties is repetitive, uniformed, with no imagination or creativity in regard to appearance and layout and have very little space between them;
- Do the various floor plans conform to Nationally Described Space Standards and, if they do not, why should they be approved?
- Still too many properties on the revised scheme;
- Tall retaining wall is being proposed with properties proposed at 4-5 metres below the height/level;
- The planned building material is not in keeping with the surrounding areas;
- The idea of the bank of terraced houses in the revised scheme is a worse idea than the original planned layout of two and three bedroomed semi-detached;
- What will the boundary treatment be?
- There was much made of a proposed public footpath from the south east corner of the site connecting through to Rowley Lane but this is no longer outlined on the new plan;
- The POS should be relocated. Currently all 3 areas of the POS are located on the narrower northern half of the entire site. There is no public open space at the more densely populated by dwellings at the southern end of the site.

### Living Conditions

- The existing properties on Clough Way have large front windows and an open area opposite them. The new properties would become an 'eyesore' and people would be able to see directly into these front rooms;

- The layout would not provide a high stand of amenity for the adjoining and future occupiers as windows are too close;
- Cross-section required to understand the relationship between the existing and future houses;
- Concerns relating to the south side of the development have neither been properly referenced nor considered since the consultation in the design and access statement or the Peacock Smith report. Vitrally important, as this is the only area of the plan immediately bordering existing residential properties;
- Within the Design and Access statement the sample photographs showing the various boundary walls do not give a true and accurate picture of the actual realistic situation. Photographs titled "view of the south side of the site" are misleading. The properties shown are not the immediate neighbouring property to the south, but are properties on Penistone Road, which run parallel with the western boundary. The immediate properties on the south boundary are excluded, neither photographed nor have been referenced correctly;
- The oblique angle to the windows at plot 38 from an existing occupier would be approximately 20 to 25 degrees. Plot 38 is 13.5 metres from their property. This would, in their view, lead to overlooking, loss of privacy and noise and disturbance. Other local authority areas refer to a minimum of 30 degrees;
- The houses do not meet the NDSS. On the 6th April 2021 the National Standards become mandatory for all homes delivered through permitted development. If the Council is serious about recommending that houses should be broadly in line with National Standards and not just paying lip service then it must reject this application.

### Landscape and Ecology

- A variety of wildlife including deer, foxes and owls on the old railway track to the rear of the site and cannot imagine that they will use this corridor if it becomes a playground for children of the estate;
- Removing trees will cause more flooding;
- This proposal will have a negative effect on 'Nature Conservation';
- The disused railway line is a valuable wildlife corridor with a huge variety of animals and birds and the level of disturbance would be detrimental;
- The area of green space is just a token and will be used as a play area and there will be no benefit to wildlife at all;
- As losing yet another green space there will also be a detrimental effect on the disused railway line to the rear of the field which provides a haven and green corridor for wildlife;
- Some trees will have to be felled;

- The area directly behind the proposed estate is a wildlife corridor connecting Jumble Wood with Lepton Great Wood. This would be destroyed by the large numbers of children who would obviously play there despite the play area. Stonewater state there would be 'improved ecological enhancements'. Surely a housing estate cannot improve a green area;
- Development will have a large negative impact on the natural environment and wildlife. Sparrow hawks, kestrels and even peregrines have been seen in this immediate area which will be disrupted;
- This is an area that contains a rich diversity of wildlife. Has research and/or a thorough census been conducted to see how a large-scale housing development will affect wildlife and the local eco system? What safeguards do the planners, developers + local authority have in place to protect wildlife in the area?
- The Preliminary Ecological Appraisal (PEA) was conducted during the sub-optimal time for such surveys, meaning that the report lacks detail and fails to provide a rigorous assessment of the Site's biodiversity and how it should be protected and enhanced;
- The ecology report on the application mentions the closest recorded roost as being 300m North of the site in 2012, however we have an ecology report (July 2012) stating the above-mentioned roost. Our property is approximately 120m of the site, therefore it brings into question the credibility of the ecology report undertaken for this application;
- The area is within a location where wild deer have been seen on several occasions, including our own garden in May 2019. This development may impact upon their ability to roam in this location and cause habitat loss;
- The ecological assessment of the site gives scant consideration of the use of the site by farmland birds and site survey in November means the area's use for foraging by bats won't have been assessed.
- There is reference to the removal of 11 trees but no commitment to maintaining the extent of tree cover or achieving net gain across the site as a whole;
- Together the proposed development site (now HS1) and the Green Corridor have become inextricably and inter-dependently linked as a unique complex ecological habitat. The major food source for all these creatures is mainly derived from the now cultivated agricultural land;
- How will it address bio-diversity net gain requirements?

### Social Infrastructure

- Schools and Doctors are already stretched and will struggle to accommodate more families with the addition of 250 extra people;
- Insufficient school places already;
- Apart from the Fenay Bridge pub, the only amenities are in Lepton Village, which is a reasonable walk and these are quite limited;

- It is appreciated that Stonewater is obliged to fund school places at the national average of children per household. However, these homes are bound by their nature to attract mostly young families. The places will be insufficient for already oversubscribed schools.
- It is extremely difficult to get an appointment at local doctors ' surgeries already. If the houses are full, it would mean 342 more patients. Surgeries would be overwhelmed;
- The proposals put forward do not indicate major investment in new roads, schools, public health etc., just minor scale investment from the developers to fill number quotas in already stretched local state schools;
- The 2 nearby primary schools are already oversubscribed and there is a lack of available high school places with the closure of Almondbury High;
- Does the schools' capacity takes account of the changes proposed for Almondbury Community School from September 2020 and, if it doesn't, what actions will be taken and when to ensure that children who live on the Development will be able to access school places in the area where they live?
- Has the education department factored in the potential increase in children numbers from other nearby housing developments included in the Local Plan; for instance, Sites HS2, HS3 and HS9 which have a joint site capacity of 872 dwellings;
- A more accurate approach to estimating the need for additional school places would have been for the Council to have adopted the methodology detailed by the Education Funding Agency (EFA) in its document School Capacity (SCAP) Survey 2014: Guide To Forecasting Pupil Numbers In School Place Planning.
- How has the Council arrived at the figures for the increase in local school's intake numbers as a result of the development of 74 houses?
- School figures for spaces are outdated as King James has now taken on students from Almondbury and PAA has changed;
- Very few local shops;
- The local and nearest supermarket is according to google 2km from the site, not 1.5km as stated by Sanderson's and at a maximum point for walking;
- There are currently very few employment opportunities in Lepton and Fenay Bridge. While there are employment prospects in Huddersfield Town Centre, residents cannot be expected to walk there and cycling on Penistone Rd/Wakefield Rd is dangerous and highly polluted around Aspley, so would not be the best means to get to work;
- The latest response from Education Services (ID 822398) suggests that a total of 22 additional places will be needed across Rowley Lane and King James schools. Using Local Census information (the measure recommended) the development will produce 29 children of school age a

shortfall therefore of 7 places which of course disregards any other planned developments in the local area would suggest therefore the Education needs to revisit these numbers to make sure that the financial contribution that they are seeking is adequate and that any shortfall will not be funded by local council tax payers.

### Historic Environment

- Castle Hill is one of just nineteen Scheduled Ancient Monuments in Kirklees. It is concerning, therefore, that the Council has omitted from the HS1 Housing Allocation the original Draft Local Plan Constraint that 'the site forms part of the setting of open countryside which contributes to the setting of the Scheduled Monument of Castle Hill'. Historic England's The Setting of Heritage Assets (Historic Environment Good Practice Advice) places a statutory obligation on decision-makers (i.e. Kirklees' Strategic Planning Committee) to have special regard to the desirability of preserving listed buildings and their settings;
- The Planning Application fails to safeguard one of the most significant and visible heritage assets in the whole of Kirklees. The field which forms HS1 has an undeniable link to the history of the local area going back some 600+ years: development of the Site would result in the complete and irreversible destruction of the historic environment and heritage assets;
- The Council has identified the Constraint that HS1 is close to an area of archaeological interest and has highlighted the need for a pre-determination archaeological evaluation;
- Castle hill is clearly visible from HS1 and neither the Council nor the developer has addressed the issue of what impact on the setting of Castle Hill this development will have.

### General issues

- Whilst the NPPF provides for the presumption in favour of sustainable development, it also provides for planning applications to be rejected if material considerations exist;
- Prior to the Council's adoption of the Local Plan, the land which now forms HS1 was identified as Green Belt and it performed an important role in checking the unrestricted sprawl and effective joining together of the communities of Waterloo and Fenay Bridge. This application will result in the irreversible merging of the two communities and the permanent loss of open space;
- Has the Kirklees Brownfield Land Register 2019 been consulted when the Penistone Road planning application was received to see if a suitable brownfield site was available as an alternative? There are 118 sites on the Register and the resident queries whether it has been consulted and on what grounds potential sites have been rejected;
- The development strategy of Policy LP20 fails to reflect the reality of Site HS1. The major employment centre of Huddersfield town centre is c.10 – 15 minutes' drive away, all of the thirteen Employment Allocations in the Local Plan are in out of centre locations and rule out pedestrians and just

two of the eighty seven Priority Employment Areas in the Local Plan are within walking distance of Site HS1;

- Given the distances to local shops and services, how likely is it that families will walk to and from them e.g. Morrisons (1.5km);
- This is not a suitable location for such a concentrated estate of houses, which will have little if any of the social mix that the Council has attempted to encourage elsewhere;
- If all the houses are social or shared ownership “it will create a ghetto that will stigmatise the occupants and affect the other houses in the area”;
- These houses will attract buy-to-let investors so the revised proposal does not address local concerns about short term rentals etc.
- House values will be affected;
- The development will spoil the view and devalue houses;
- The plans do not accurately depict the footprint of an existing house on Whitegates Grove;
- The area is “peaceful, friendly and relaxed and the addition of so much affordable housing would ruin this”;
- The “addition of affordable housing devalues the appeal and character of the area”;
- A varied mix of house sizes would serve the wider demographic far better and the number of houses should be reduced;
- “Fenay Bridge has a good reputation for quality properties in a safe area. Building what is, in effect, a council estate within the area is not going to be in the best interests of the existing residents, or the new tenants”.
- As a result of COVID and Brexit, there is uncertainty about how many homes are needed and it is possible that for the reasons of Brexit alone, the population of the UK will shrink as migrants return to their own country;
- The mental health of the population needs green spaces. If we must have more houses then first of all we must use all other brownfield options. Green spaces should now be considered ‘protected’ except for extremely exceptional reasons;
- Brownfield land on Crossley Lane in Kirkheaton on the former site of Jarmains and in the centre of Kirkheaton on the former site of Broadhead and Graves stands empty with no sign of any development. If housing needs are so pressing in this area of Huddersfield why is this land not being used?
- Appreciate the need for social housing and affordable homes, but feel they should be spread throughout the vast proposed building sites around the Lepton area;

- Resident is of the view that social housing carries a higher, disproportionate crime rate. The associated types of crimes on this particular occasion will be predominantly Residential Burglaries and Anti-social Behaviour due to the village's building infrastructure (concealed rear gardens and somewhat well off elderly residents) and the nearest police stations are too far to be effective;
- Gained from knowledge and experience over 35 years, the area is virtually crime free, but will become riddled with the low-level crime, nuisance, disturbance, noise, drugs, social menace etc. Why export this to a peaceful, low crime community?
- Concerned at the reference to evidence of arsenic and mercury in soil samples;
- Kirklees must be able to identify a much more cost effective brownfield location for social housing, given that some of the tenants in these properties are likely to need much easier access to services, shops etc., that this location will struggle to provide for those people;
- This looks to be a very poorly thought out location for social housing and clearly does not put the more rounded needs of the tenants;
- During 2019 (possibly planned & approved 2018), work was undertaken to relocate / divert overhead power lines (these are likely to have been 11Kv lines?) from within the proposed development site. Was this work undertaken in advance and proactively by the applicant(s) without instruction from Kirklees, or were they instructed to perform this work as a direct result of any pre-planning discussions?
- The application is in excess of the allocations as per the Local Plan, adopted 27 February 2019. In this the indicative housing allocation is 68. This application exceeds that by 10%;
- Currently a lack of play areas for the children living in the area so how will the Council ensure that local children have adequate outdoor recreational areas;
- Land within the site has located shallow coal mine workings that may cause land in that part of the site to be unstable. Observed that along the road directly above the railway line along Clough Way, there has been movement of the fence, which suggests the land is actually moving;
- The route of the Fenay Greenway is an already well used path between Whitegates Grove and Rowley Lane, which includes the section adjacent to this site. The path is easily accessible on the level through a gate on Whitegates Grove, and also from Rowley lane adjacent to the former overbridge. Properly surfaced to a 3 metre width, the path would become a valued amenity for walkers, cyclists, wheelchair users and buggy pushers, including residents of the proposed development, if approved. In the longer term it will be part of an alternative commuter route to Penistone Road, where conditions for cyclists and pedestrians will only get worse as other residential sites in the corridor are developed;

- Open Space should be provided on-site to meet the needs of a development as opposed to some more distant off-site provision;
- An equal mix of affordable purchasable housing and social housing should be build, not a huge majority of one certain type;
- Concern about Stonewater as a developer and as a company in terms of management.
- This application cannot be viewed reasonably or in planning terms, without it being assessed in conjunction with the proposed development at HS2 (application ref; 2020/60/92307/W).
- Unacceptable to condition so many details such as retaining walls.

### Climate Change

- Climate change is necessitating a change in the way that we design houses to ensure that they are heated efficiently without using gas central heating which will only contribute to global warming through the emission of CO2. Has this been considered by the house builder and Kirklees planning?
- The Government has committed to reducing our carbon foot print by 50% by 2035(??). Has the effect of this proposed development been taken into account by the Government in making such a promise?
- Very much doubt if any of the new houses would have electric charging points installed, which is Government recommendations at present, to encourage further uptake of electric cars before the 2035 cut-off;
- Kirklees Council has declared a climate emergency. It is essential that new residential development reflects the need to achieve high levels of insulation and energy efficiency and new housing should be built to Passive House standards.

### Procedural

- No communication with the developer since September 2019 except receipt in March 202 of their proposals, which were virtually unaltered from the initial scheme displayed at the public exhibition and feedback queries remain unanswered;
- Concern about the timing of the application during a pandemic that prevents people from organising group meetings to comment on the proposal;
- Decision should be delayed until meaningful community engagement can take place. This is an extremely important decision that will have a huge impact on this beautiful semi-rural area for ever;
- Lack of response/engagement from the applicant;
- In the National Planning Policy Framework 2019, it states that applicants (Stonewater) are required to engage at pre application. Although they held the meeting for public engagement in September, they have failed to

respond to my requests for further engagement and it seems the meeting in September was a box ticking exercise

- The Peacock and Smith (agent) states consultation and involvement with residents is ongoing, the reality is that it is not, and has not been;
- Consideration of the application should be delayed until meaningful and proper democratic community engagement can take place;
- The applicant submitted the application on 4<sup>th</sup> March and has tried to gain an unfair advantage by submitting it during a period of confusion and disarray;
- Do not believe a virtual Planning meeting to be satisfactory as a means to determine this application;
- Concerns as to what the development will look like 12 months after completion due to concerns about customer service on repairs and rectifications on new builds and upkeep of the land when residents are charged maintenance.

#### Construction issues

- The area is peaceful and the prolonged building period would affect this;
- Current residents will have to endure years of building dust, noise & pollution;
- How will the risk of additional construction traffic would be managed during the construction period and the likelihood of multiple trades having limited parking for their vehicles;
- Want assurance that there will be no issues with the structural integrity of the property: buildings, garden spaces, boundaries; existing trees/hedgerows and vegetation given what appears to be proposed;
- Concern about the levels of excavation on site and impact on adjoining properties.

#### Ward Members

7.7 Ward Members were consulted on the proposal by email dated 5<sup>th</sup> June 2020. A response has been received from Councillor Munro. Many of the issues raised are incorporated above but she also raises the following comments and requests that the Planning Committee reject this planning application:

- A virtual meeting would not be satisfactory as many local people feel that their views and comments were not listed to during the consultation process;
- Disparities around road widths and distances in the TA;
- Ghost Island is a dangerous option to access the site;
- The creation of an additional entrance onto Penistone Road combined with speeding traffic would be dangerous;

- Concern about accidents, including those unrecorded;
- The joint masterplan for HS2 and HS3 further along Penistone Rd requires a roundabout be built on Penistone Rd. Until that is built, Penistone Road will remain dangerous for right-turners along this stretch;
- Ghost islands make it dangerous for cyclists by creating pinch points;
- From a flood risk perspective, slopes should not be built on without attenuation and run off assessments and the best and right kind of drainage for the job;
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge;
- Penistone Road is narrow with a pavement running only at one side. The proposed ghost lane and existing ghost lanes leave no room for a cycle path alongside and cyclists will be left facing perilous journeys on this local road;
- Additionally the pavement varies in width, making it dangerous to walk along particularly with a young family and is therefore not conducive to encouraging people to walk which forms part of the Council's air quality action plan. This plan is only going to lead to an increase in air pollution and the implications emanating from it will be contrary to the Council's Air Quality Action Plan;
- While there has been an increase in traffic during the day on Penistone Rd, there has also been an increase during the night, to the point where people have to have their windows closed during the night in Summer when it is warm;
- A travel plan has been created to support the planning application. Its aim seems to be to establish the preferred mode of transport to work for the first 50% of residents to establish a base line. While the IHT (Institute of Highways and Transportation) publication identifies suggested walking distances this does not mean that the residents will wish to do so;
- The local schools, restaurants, pub supermarket and Dr's surgery all lie within the 2,000m walking radius, however the Doctors surgery, the convenience store McColl's and both primary schools are all uphill, so some residents may struggle to access them on foot. Additionally the local and nearest supermarket Morrisons is according to google 2km from the site, not 1.5km as stated by Sanderson's;
- The bus company serving the site has buses that are constantly breaking down and people often find themselves faced with waiting for the next bus. The services are also run by one company. Many bus companies are making cuts to bus services all the time and focus only on the more profitable routes, so there is no guarantee that the current services will continue in their present form;

- There are currently very few employment opportunities in Lepton and Fenay Bridge. There are just two priority employment areas in the Local Plan that are within walking distance of Whitegate's Grove. The cumulative impact from all the homes once built will result in people travelling by private car to their jobs which may not be in Huddersfield, placing an ever more increasing burden on the local road network. This planning application should therefore be rejected as the travel plan suggested will be too difficult to implement;
- The Local Plan is based on ONS data from the 2014 forecast on population growth, but the 2016 data from the ONS reduces that forecast by over 30% (11,000 people), meaning that across Kirklees we only actually require 21,000 new homes. This means that virtually all homes planned to be built on Green Belt, including about 900 in Lepton and Fenay Bridge need not be built;
- These houses are effectively being built in a field at the side of an increasingly busy main road with no real access to local amenities, unless people are prepared to walk quite a distance. With few employment opportunities in the area and an unreliable and relatively expensive bus service, the implications of this development and type of housing mean there will be an impact, therefore, on the environment, an increase of flood risk, increase noise pollution, increase air pollution and will create an ever more dangerous road. This outweighs the need for these houses and the application should be rejected.

7.8 A further consultation response was received from Councillor Munro in October 2020 reiterating many of the concerns outlined above, including the following:

- Issues about measurements and distances in the TA;
- Concern about the visibility splay not being sufficient given the risk of pull-out type collisions. There were 4 accidents within 16 days at the Station Road junction recently;
- Ghost right turn lanes are not safe and a mini roundabout would be much safer. Does not accept the applicant's view that widening Penistone Road at the access point to HS1 would encourage overtaking and higher speeds as there will be a ghost lane making it impossible to overtake.
- Note the cycle access onto Whitegates Grove but if cyclists start to cycle along the Grove, this will cause a nuisance to residents who reside there and it can serve no useful purpose. The footpath is too muddy to cycle up and Common End Lane is a narrow road.
- The former railway line is part of a habitat network and any disturbance here will permanently destroy this.
- How does it address bio-diversity net gain?
- Residents told that no surface water from any development should enter Fenay Beck as it will cause the flood risk ratio to rise higher. Queries whether the cumulative effects of surface water discharge into the Beck has been assessed.
- More useful to spend contributions on highway improvement than on the Greenway.

7.9 Councillor McGuin forwarded a set of videos taken by a local resident in February 2020 (Storm Ciara) showing water pooling in the field within the application site, on Penistone Road and on the fields to the east of Penistone Road. Councillor McGuin noted that this occurs 2 or 3 times a year. A further

video of surface water on Penistone Road from this date has also been forwarded by a local resident.

### Kirkburton Parish Council

7.10 Kirkburton Parish Council considered the first revised scheme at their meeting on 1<sup>st</sup> October 2020 and wished to object to the development on the following grounds:

- Highways: There is already a problem with high volumes of traffic along Penistone Road, especially at peak times, which will be increased by this development. The proposed roundabout will worsen the situation;
- A pedestrian access has been incorporated at the SW corner of the site, which provides pedestrians with an easy route to the bus stop. However, to get there, people will need to cross a very busy road with multiple lanes of traffic. To make the situation safer, there is a need for a refuge in the middle of the road, to allow people to cross the main road safely;
- The local schools and medical facilities are already full, so additional places need to be provided to accommodate the increased local population.

KPC have not been consulted on the latest iteration from 72 to 68 dwellings on the basis that it would be unlikely to address the matters raised above.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**Coal Authority:** The content and conclusions of the Summary Report on Previous Site Investigation, January 2019, informed by the findings of intrusive ground investigations, are sufficient for the purposes of the planning system and meets the requirements of NPPF paras 178-179, in demonstrating that the application site is safe, stable and suitable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

**KC Highways:** In response to the original submission, Highways raised some concerns about the layout in terms of connectivity and the need for a loop road. There was also some concern about the road alignment at the site access in order to suitably accommodate a refuse vehicle. In response to the final scheme HDM conclude that the proposal is considered acceptable in traffic generation terms onto the existing network. They have also confirmed that the amendment to a market housing scheme with 20% affordable units is also acceptable in highway terms.

**Lead Local Flood Authority:** The LLFA objected to the original drainage proposal for this site, which was based on a pumped discharge for foul water. The system was subsequently revised to omit the pumping station. The revised drainage strategy was subsequently considered by the LLFA who advise that they can support the application subject to appropriate recommended conditions.

## 8.2 **Non-statutory:**

**KC Education:** In response to the original submission for 74 homes providing a projected forecast for 2021/22, Education Services advised that additional places would be required at Rowley Lane Junior Infant and Nursery School but no additional secondary school places would be required. In response to the latest scheme for 68 homes, Education advises that based on projected numbers forecast for 2022/23, a total financial contribution of £135,308 is required split between £85,664 (primary) and £49,664 (secondary).

**KC Strategic Housing:** The site lies within the Huddersfield South Strategic Housing Market Area where there is a significant need for affordable 3+ bedroom homes, along with a less, but still significant, need for 1 and 2 bedroom properties. The application proposes development for the sole purpose of affordable housing, which is welcomed. In terms of tenure, the applicant has proposed a mixed tenure; 55 social or affordable rented dwellings (22 x 2 beds, 33 x 3 beds) and 19 dwellings (6 x 2 beds, 13 x 3 beds) for shared-ownership, which is acceptable for this development.

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

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

**KC Public Health:** The application does not meet the criteria for a Health Impact Assessment and therefore Public Health will not be commenting.

**KC Landscape/Trees:** No objections subject to conditions.

**KC Environmental Health:** In response to the original layout and Noise Assessment, raised issues in particular in relation to very high noise levels that are predicted at the outdoor amenity areas and some concern about the acoustic specification of the roof structure and upper floor ceilings. The Air Quality Assessment as originally submitted was not acceptable as a result of specific details being omitted, including no mention in the report of other local plan developments within the area in order to consider the cumulative impact. The Contaminated Land Reports were considered acceptable subject to conditions to deal with unexpected contamination.

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

**KC Ecology:** In response to the original submission, further information on the potential impacts to reptiles, an Ecological Impact Assessment (ECiA) and measures to mitigate them were requested as well as an assessment of bio-diversity net gain. The Reptile Method Statement that was submitted has been confirmed to be acceptable. Subsequently, an ECiA and a further study of a pond near to the site was submitted, as well as further information with regard to the bio-diversity net gain calculation. A response from the Council's Ecologist to this latest information is pending and Members will be updated on this matter within the Committee Update report or at the Committee meeting.

## 9.0 MAIN ISSUES

- Principle of development;
- Housing mix and affordable housing;
- Density, layout and design;
- Open space, landscape and bio-diversity;
- Living conditions of existing and future occupiers;
- Highways and transportation issues;
- 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 a housing allocation (HS1) with an indicative capacity of 68 dwellings.
- 10.3 In accepting its allocation for housing as part of the Local Plan Examination, the Kirklees Local Plan Inspectors' Report, published in January 2019, concluded that exceptional circumstances existed to justify removing the site from the Green Belt. The Inspector concurred with the findings of the Council's Green Belt Review, having regard to the containment of the site and noting that that adjacent roads would provide a strong and defensible new Green Belt boundary. Consequently, the site was omitted from the Green Belt and confirmed as a housing allocation.
- 10.4 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.
- 10.5 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.

- 10.6 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.
- 10.7 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 68 new dwellings, in accordance with the indicative capacity set out with HS1. It would therefore make a significant contribution towards meeting the housing delivery targets of the Local Plan and result in a development that accords with the spatial development strategy.
- 10.8 It is recognised that it is a Greenfield site rather than Brownfield land. However, the allocation of this 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 Planning 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.
- 10.9 The application site is in a sustainable location for housing. It is a contained plot that is adjoined on three sides by existing residential development. Consequently, it is reasonably accessible and situated on the edge of an existing established settlement that is served by public transport and other facilities. 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. In principle, however, the development of this site for residential use is consistent with Policies LP1, LP2 and LP3 of the KLP and therefore acceptable subject to an assessment against all other relevant policies within the Local Plan set out below.

#### Housing Mix and Affordable Housing

- 10.10 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. It also confirms that the achievement of a higher proportion of affordable housing will be encouraged.
- 10.11 This application would deliver 20% affordable housing in accordance with Policy LP11. This would equate to 14 units comprising 10 x 3 bed and 4 x 2 bed properties. It would comprise both housing for affordable rent and shared ownership with an indicative split of 55% social or affordable rent to 45% intermediate housing respectively. The proposal would result in a rather consistent provision of semi-detached dwellings. However, it would

nonetheless, deliver a mixture of 2 and 3 bedroom units. The affordable dwellings would be provided in pairs in different locations across the site. There would be a cluster towards the rear boundary and a further group towards the front. In the absence of a specific Council policy with regard to the 'pepper-potting' of affordable homes across a development, and given the modest size of this site, their location is considered acceptable. Moreover, in their appearance, they would be indistinguishable from the market homes.

10.12 The Council's Strategic Housing Officer advises that there is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a less but still significant need for 1 and 2 bedroomed properties. Rates of home ownership are low compared to other areas within Kirklees at 60%. It is estimated that 20% of homes are rented privately and affordable housing constitutes the remaining 20%.

10.13 Consequently, the provision of housing development comprising both two and three bedroom units, a fifth of which would be affordable, is therefore welcomed and it will directly assist with the housing needs within the area. It would also comply fully with the requirements of Policy LP11.

#### Density, layout and design

10.14 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. In relation to housing density, 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.

10.15 In this case, based on the entire site area of 2.2ha, the density of development would be 31 dwellings per hectare (dph). Whilst this would clearly be less than 35dph, there are specific circumstances in this case to justify a lower number. The application was originally submitted at 74 dwellings (33.6dph) and then revised to 72 dwellings (32.7dph) and subsequently to 68 (31dph); these latest revisions being principally necessitated by a need to protect the living conditions of future and existing occupiers, as detailed in the report below. The development of the site for 68 dwellings addresses that matter and also, allows for the provision of some on-site open space and a bio-diversity off-set area. Additionally, the character of the surrounding area largely comprises semi-detached and detached dwellings set within generous plots that typically have a much lower density. Consequently, taking into account the site constraints and the existing context, a density of 31 dwellings per hectare is acceptable in this instance and it is consistent with the indicative site allocation capacity.

10.16 With regard to site layout, Policy LP24 of the Kirklees Local Plan 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 different users should be met and any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks.

- 10.17 The layout of the houses and the open space has largely been determined by the natural features of the site, with particular regard to its topography and existing tree planting. The latter prompted the location of the open space at the northern end of the development, adjacent to Whitegates Grove. The creation of the POS enables the protection of the mature/TPO trees along the northern boundary and also allows for a footpath connection from the site onto the road, and onto the existing public footpath network.
- 10.18 A second area of open space would be positioned more centrally within the site, along the rear boundary and visible at the entrance into the development. Whilst consideration was given to locating the POS in one area and positioned along the site frontage, to provide a buffer between the dwellings and Penistone Road, this was deemed unfeasible. Due to the existing slope, the central part of the site where the main POS is proposed would be unsuitable and unviable for housing because it would require extensive and expensive retaining structures along the railway embankment. It would also be likely to result in limited and dark rear gardens. It can, however, accommodate an area of open space that is large enough for a LEAP. Whilst concerns have been raised that the POS is sited away from the more densely populated southern end of the site, it would be approximately 166 metres to the southern end of the site and approximately 220 metres to the furthest houses. At a steady walking pace of 3 miles per hour, this would equate to a very approximate walking time of 3-4 minutes along a safe route within the site, which is not considered unreasonable. Furthermore, the POS would be well-overlooked and it would provide a softer landscaped approach into the site, particularly when combined with the smaller area of open space immediately adjacent to the site access.
- 10.19 A further area of green space would be a site of ecological set-aside (detailed in the report below) on the southern boundary. This would provide an appropriate buffer between the development and the existing occupiers on Woodsome Drive. Details of this area, in terms of planting, boundary treatment and management will be secured by condition.
- 10.20 The position of the dwellings is principally a consequence of topography as both the access road and, therefore the houses, broadly follow the gradient of the land, running in bands on a north-south alignment. It is acknowledged that the layout appears uniform as a consequence of the sole use of a semi-detached house type. This is, to some extent, a contrast to the surrounding area, which has developed more organically and includes some more individually designed properties on Whitegates Grove and Woodsome Drive, and larger properties generally. However, apart from Whitegates Grove, there is still uniformity amongst existing dwellings locally. This includes the layout and appearance of houses on Clough Way, albeit detached, and the space and form of the semi-detached dwellings, albeit larger than average, on Penistone Road. Furthermore, whilst this development would effectively constitute an infill along Penistone Road, surrounded by existing residential development to the south, west and north, it is a relatively contained site with clear boundaries to its perimeter. From Penistone Road, the uniformity would be further softened by planting along the site frontage, in addition to the glimpsed open space. For these reasons, the layout of the development is considered acceptable in this instance in accordance with Policy LP24.
- 10.21 Architecturally, the appearance of the dwellings has been revised in the course of the planning application. The applicant was requested to introduce further detailing to reflect and enhance the townscape character. The curved bay

windows of the houses further along Penistone Road were identified as being fairly distinctive within the locality, along with features such as window reveals and gable detailing. It was considered that the introduction of such details, in addition to stone cills and lintels and larger window proportions, would help to establish character and provide some visual relief to the elevations. There would effectively be two house types; one detailed with a curved ground floor bay window, principally along the main road frontage, and the other without. Details of window reveals depths and fenestration treatment would be secured by planning condition.

10.22 Materials would also provide some further visual interest. The materials currently evident in the locality are mixed. They include natural stone to dwellings on Penistone Road to the south of the site and to dwellings on Clough Way, red brick and render on the houses to the north, stone and render on Whitegates Grove and brick and render on Woodsome Drive. The application form indicates the use of reconstituted stone and render and grey concrete roof tiles. The use of render of specific plots is acceptable in principle given its use locally. With regard to re-constituted stone, whilst stone used on surrounding houses is mostly natural, the suitability or otherwise of an artificial stone would depend upon the quality of the material selected, the size of the stone units and the way the elevations are constructed e.g. regular course or random coursing. The details of materials (including the construction of a sample panel on site) can therefore be secured by means of a planning condition.

10.23 Taking all these factors into account, and subject to relevant planning conditions, it is considered that the density, layout and design of the proposed development would achieve a sufficiently good design in accordance with KLP Policies LP7 and LP24.

#### Open space, landscape and bio-diversity

10.24 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. More specifically, 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.

10.25 In this case, the proposal incorporates two areas of POS within the development. These are appropriately sited for the reasons set out in the report above and accessible to both existing residents and future occupiers. They are considered to be sufficient in size in terms of achieving a balance between POS and residential density. However, having been assessed against the Council's open space standards, there would be a slight shortfall in natural and semi-natural green space and a lack of allotments/community growing space. This necessitates a contribution of £32,244 towards off-site open space to be secured through a S106 Legal Agreement.

10.26 Policy LP32 of the KLP sets out the requirement for proposals to be designed to take into account and seek to enhance the landscape character of the area and to have consideration to matters such as the patterns of woodlands, trees and field boundaries. In this case, the existing stone wall boundary to the front

of the site would be largely retained and repaired (except when new openings need to be created). Furthermore, new areas of planting would be incorporated behind it along part of the frontage as well as new tree planting both within the areas of POS and where opportunities existing along the street and within front gardens to create a development that would be sympathetic to the mature gardens that exist to neighbouring properties. A detailed landscape scheme to include matters such as plant species, planting density and street planting details will be secured by means of a planning condition. On this basis, the proposal is considered to comply with Policy LP32.

- 10.27 The Arboricultural Impact Assessment submitted by the applicant identifies that nine trees within the red line site boundary would need to be removed to accommodate the new development. These comprise 8 trees along the site frontage and one tree that sits within the centre of the site (7 x Ash, 1 x Oak and 1 x Elder). The majority are identified as Category C2 (Low quality/landscape value) with the Oak categorised as B2 (Moderate quality/landscape value). All other trees either on the site, or adjacent to it, would be retained and protected utilising suitable tree protection measures, which will be secured by an appropriate planning condition.
- 10.28 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.
- 10.29 In this case, the application does indicate the inclusion of replacement tree planting throughout the site to mitigate for the loss in numbers in excess of the trees that would need to be felled. The details of species and size will be secured by condition. The Council's Tree Officer has assessed the arboricultural and landscape information that has been provided in support of the application and advises that there are no objections to the proposal subject to the imposition of relevant planning conditions. On this basis, the proposal is considered to be compliant with Policy LP33.
- 10.30 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.
- 10.31 The applicant submitted a Preliminary Ecological Appraisal with the application. This report originated in November 2018 following the initial pre-application enquiry for 80 dwellings on the site. It confirmed that there are no statutory wildlife sites within 2km but there are some designated sites within this radii. The closest is the Lepton Great Wood Local Wildlife Site approximately 650m to the east. It also notes that the disused railway corridor to the eastern boundary offers an excellent green corridor connecting the land to Lepton Great Wood. The PEA identifies that the majority of the site is arable but other habitats

within or adjoining the site include semi-natural broad leaved woodland on the western site of the field along the former railway corridor, scattered trees to the northern and western boundaries, some scrub and areas of hedgerow.

- 10.32 In terms of impact and mitigation, the PEA acknowledges the loss of the arable field but considers it to be compensated by the creation of areas of POS seeded with a mixed grassland seed mix. This would provide cover for invertebrates and, as a result, foraging for a variety of bird species. The semi-natural Broad Leaved Woodland is effectively retained and the trees to be lost are to be compensated with new planting, which should incorporate species that would maximise flowering, pollen/nectar production and/or berries/fruit production to benefit invertebrates, birds and small mammals. The hedgerow is also to be retained. The PEA does acknowledge that the existing site has the suitability to support foraging of various species including hedgehogs, birds and bat but new garden habitats and measures such as bird and bat boxes, hedgehog gaps in fencing etc. can mitigate and continue to support these species within the development.
- 10.33 In response to the PEA, the Council's Ecologist requested further information on the potential impacts to reptiles and measures to mitigate these and an Ecological Impact Assessment (EclA) informed by the current development proposals, as well as a requirement to achieve 10% bio-diversity Net Gain. Whilst a net gain was considered unlikely, it was suggested that it could be feasible with the inclusion of new ecologically valuable habitats, which would strengthen links to the Kirklees Wildlife Habitat Network. Further reptile surveys were submitted and considered acceptable by the Council's Ecologist. Subsequently, a further assessment of a pond sited approximately 130m from the development was submitted as well as the requested Ecological Impact Assessment and a Net Gain calculation. With regard to the latter, this concludes that a 10% on-site net gain is unlikely to be achievable but this would be mitigated by an off-site contribution to be spent in the locality. The applicant has subsequently confirmed that the off-site compensation area would be an arable (cereal crop) field located to the west of Penistone Road, which lies adjacent the site on its western boundary. It is a section of the existing arable field that joins the Fenay Beck corridor and its habitat is currently of very limited ecological value. The aim would be to generate a mosaic of high quality, diverse mixed scrub pockets interspersed with neutral grassland glades of varying sizes. This will be complimented further by the creation of a pond in an area of arable land (cereal crop) which is currently subject to waterlogging. The details would be secured by condition.
- 10.34 Subject to the bio-diversity matters being satisfactorily resolved, and subject to relevant provisions within the S106 Legal Agreement and conditions, the proposal would be acceptable with regard to open space, landscape and bio-diversity in accordance with KLP Policies LP32, LP33 and LP47.

#### Living conditions of existing and future occupiers

- 10.35 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 development should 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. Moreover, the Council's Draft Housebuilders Design Guide, to which moderate weight can be attached, advises that the space

between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings. It sets minimum *advisory* separation distances including 21 metres between facing windows of habitable rooms at the backs of dwellings and 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. It also advises that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

10.36 With regard to future users within the site, acceptable distances are provided between the proposed properties (approximately 20-21m back to back). Each dwelling would also have a private front and rear garden proportionate to the size of the dwelling. All of the proposed houses would also benefit from dual aspect, and would therefore have adequate outlook, privacy and natural light.

10.37 The proposal has also been considered against the Government's Nationally Described Space Standards (NDSS) (March 2015) as detailed below. NDSS is the Government's clearest statement on what constitutes adequately-sized units. Consequently, in the context of Policy LP24, it is relevant to consider whether the dwellings would be of a sufficient size in the interest of residential amenity for future occupiers.

10.38 The NDSS minimum gross internal floor areas (GIA) are based upon the number of bedrooms within the house overall at a defined level of occupancy. For this reason, each unit size standard is sub-divided into categories based upon the number of bed spaces (persons) and also, whether it would be a 1, 2 or 3 storey dwelling. However, the guidance also confirms that relating internal space to the number of bed spaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose. In this instance, where there is presently no local plan policy, the minimum standard within the NDSS for a 2 and 3 bed unit has therefore been applied in this assessment as follows:

House Type	Bedrooms	NDSS m <sup>2</sup>	Proposed m <sup>2</sup>	Met
01	2	70	68.8	✘
01A	2	70	68.8	✘
02	3	84	88.7	✓
02R	3	84	88.7	✓

The 2 bedroom units are approximately 2m<sup>2</sup> below the NDSS and the 3 bedroom units meet the minimum NDSS for a 3 bedroom unit. So, 68% would meet the NDSS whilst 32% of the units would not by 2m<sup>2</sup>.

10.39 However, whilst the NDSS provide useful guidance, which the applicant has been strongly encouraged to meet or exceed, they are not currently adopted in the Kirklees Local Plan. Furthermore, the 2 bedroom units are only just below the minimum standard and the layout plan indicates a kitchen/diner area in addition to a living room and separate WC on the ground floor with 2 bedrooms and a full bathroom upstairs. Taking into account that the NDSS is currently guidance, overall, it is considered that these houses would deliver a sufficient quality of living accommodation for future residents in accordance with LP24.

- 10.40 The relationship to existing occupiers has also been considered at length in the course of the application. The reduction in the number of dwellings to 68 was in direct response to the relationship of the development with 9 Woodsome Drive. No 9 is constructed close to the southern boundary of the site with windows directly overlooking the site at a distance of approximately 1m to the boundary. The Covid pandemic had precluded an internal inspection of No 9 to determine whether these windows provided a primary or secondary aspect until early September 2020. Following that site visit, it was clear that the side elevation to their property included windows to their kitchen and lounge and they were the sole windows to these rooms. These would have almost directly faced the rear elevation of a new dwelling at approximately 12-12.5m, which was considered to be a harmful relationship in terms of privacy and outlook. There were also concerns about overlooking of the proposed dwellings from the terrace of No 9.
- 10.41 As a result, the applicant revised the scheme to remove 4 dwellings from the proposal overall. It omitted the pair of houses previously situated in front of No 9 and replaced a terrace of 4 dwellings with a semi-detached pair of houses on the site frontage (Plots 39 and 40). Of these, the closest to No 9 would be Unit 40 at a distance of 18m and at oblique angle. To the north-east, the rear elevation of Plot 38 would be approximately 13m from the nearest corner of No.9 and again at an oblique angle. The Council do not set any standards with regard to minimum oblique angles and, in fact, the Council's Draft Housebuilders Design Guide suggests that the angle of facing elevations and the orientation of buildings can be a creative design solution that allows for reduced distances between buildings. It is considered that the oblique angle would ensure that there is no direct overlooking and the relationship between No.9 and the proposed dwellings is considered to be acceptable. Moreover, an ecological set-aside area would be introduced immediately adjacent to Nos. 9 and 11 Woodsome Drive. This would be fenced off to allow a natural space to promote bio-diversity, the details of which would be secured by condition and provide a comfortable buffer between the development and these existing houses. The revised layout does result in off-plot parking for 4 houses (Plots 36-37 and Plots 39-40). Whilst not ideal, they are, however, in close proximity and well-overlooked.
- 10.42 The proposed development would also adjoin the flank boundary of 12 Woodsome Drive. This dwelling appears to incorporate a bedroom window at 1<sup>st</sup> floor level within the flank elevation and a secondary living room window and glazing to a conservatory/sitting room at ground floor level looking towards the site. The flank elevation of No.12 is set further in from the boundary in comparison to No 9 and the distance between this elevation and the rear elevation of the nearest new property is estimated at approximately 16.5m. Whilst the bedroom window is below the advisory 21m within the Draft Housebuilders Design Guide, there is an established row of mature cypress trees within the garden of No 12 of approximately 10m in height that would provide screening between this existing house and the proposed dwellings.
- 10.43 Additionally, the new dwellings within the application site would be constructed at a lower level than the existing ground levels. Due to the level changes across the site, it would be subject to excavation, particularly in the south-east corner. The boundary level with No 12 would remain as existing at approximately 95-96 AOD whilst the finished floor level of the properties at Plots 34 and 35 (the closest to No 12) would be between 91.6 and 92.5 AOD. The final level details will be secured by condition but in principle, these factors combined are

considered sufficient to ensure an appropriate relationship between No 12 and the new houses.

- 10.44 Further existing residential properties lie to the rear of the site on Whitegates Grove and Clough Way. These houses are typically detached with generous front gardens. They are further separated from the application site by the road(s) in front of them and the former railway line to provide a comfortable distance to the development. They are also positioned on a higher level. Whilst levels vary across the application site, the finished floor levels of the proposed houses towards the rear eastern boundary of the site would alter between 87.4 AOD (Plot 16), 89.5 AOD (Plots 17-18), 91.9 (Plot 27) and up to 94.4 AOD (Plot 33). The height of the retaining wall along the eastern boundary also varies slightly across the site between circa 91.4AOD (northern end) and 98.3 AOD (southern end). In broad terms, the top of the retaining wall would be more or less at the eaves height of the new dwellings. The floor level of the existing properties to the east are positioned at a slightly higher level to this retaining structure. Consequently, the existing houses would broadly overlook the roofs of the proposed dwellings. Given this relationship and the separation between them, it is considered that the proposal would not be detrimental to the living conditions of these existing houses by virtue of being either over-bearing or as a result of overlooking/loss of privacy.
- 10.45 A specific concern has been raised by an adjoining occupier to the east of the site about headlamp glare. This matter was considered by the Council's Environmental Health Officer who was of the view that as a result of the level change between the site and the properties to the east, headlamp glare would be unlikely to have any significant impact on these existing residents. In addition, the impact of headlamp glare would nearly always be momentary and it would only happen when vehicles are moved during dark hours. Even if properties were to experience such an issue momentarily, it would be unlikely to be so problematic as to warrant refusal of permission.
- 10.46 Having regard to all matters above, it is considered that the proposal would provide satisfactory living conditions for future occupiers and sufficiently protect those of existing occupiers. It would therefore comply with Policy LP24 of the KLP and guidance within the Framework.

#### Highways and transportation issues

- 10.47 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. This reflects guidance within the National Planning Policy Framework (the Framework), which states at Paragraph 108 that in assessing application for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, safe and suitable access to the site can be achieved for all users and 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.
- 10.48 The applicant submitted a Transport Assessment to support the application. This included an assessment of the site and surrounding area, including the relationship to the existing network, traffic data and road collision data between

the junction of Whitegates Grove and Woodsome Road over a 5-year period. The latter did highlight the main cause of accidents on the local network to be associated with right turning vehicles, which are typically the most common type of incident at priority junctions on busy urban roads. In the locality it appears that restricted visibility from existing junctions is likely to have contributed to these incidents.

- 10.49 The application proposes the construction of a priority junction with right turn ghost island. This has been subject to a Road Safety Audit. The ghost island right turn lane would provide harbourage for right turning inbound vehicles. This would include a 2.5m wide right turn lane, which is consistent with the existing right turn lanes provided for the Whitegates Grove and Rowley Lane junctions to the north and south respectively. The existing southbound bus stop would be relocated approximately 110m to the south, to ensure that a stationary bus does not adversely affect visibility at the site access.
- 10.50 The initial section of the site access road would be a traditional residential estate road with a 5.5m wide carriageway and 2m wide footways on both sides. Within the site, the road hierarchy would change to a shared surface arrangement. This would include a 5.5m wide carriageway, a 0.6m margin on one side of the carriageway and a 2.0m wide utility/pedestrian route on the other. The design speed of the internal roads would be 15mph. Visibility splays of 2.4x120m would be provided at the site access, in accordance with the 40mph speed limit on Penistone Road and guidance contained in the Design Manual for Roads and Bridges (DMRB).
- 10.51 With regard to traffic generation, based upon the development of 74 dwellings as originally submitted, development trips would have been 59 two-way trips in the AM peak (12 in and 47 out) and 59 in the PM peak (47 in and 12 out). It would be slightly less as a result of the reduction of total dwellings to 68. In considering the impact of this proposal on the highway network, consideration has been given to the existing traffic situation and to committed development traffic, including from the other allocated sites in Lepton (HS2 and HS3). A junction capacity assessment on the site access junction was undertaken using standardised modelling software (PICADY), which concluded that it would operate adequately, with minimal queuing on either the site access or within the right turn ghost island.
- 10.52 The Council's Highways Development Management Officer has considered the application and supporting TA and advised that in summary, the traffic generation associated with this application of 59 two-way movements in the AM and PM peak periods respectively would be acceptable in principle given the existing base flows on Penistone Road of circa 1400 and 1600 two way movements in AM and PM peak periods respectively. However, further information was requested in the form of appropriate assignment and distribution diagrams to enable a more informed assessment.
- 10.53 The Council's HDM Team have reviewed the additional information submitted by the applicant. With regard to the assignment and distribution of committed development traffic, this relates principally to HS2 and HS3. It was agreed at local plan examination and assumed that 50% of the site traffic from these developments would pass this site on the A629 Penistone Road. Based on this assumption, the forecast for committed development traffic passing the site access are 240 two way vehicle movements during the AM and PM peak periods respectively. Inputting this data into the PICADY output model, it

indicates that the site access can operate well within capacity in terms of its proposed arrangement, taking into account existing base flows and committed development traffic. It is therefore considered acceptable in terms of traffic generation onto the existing network. It is also confirmed that an independent stage 1 safety audit and designers response has been provided as requested.

- 10.54 With regard to the internal access road, Highways DM initially advised that a loop road should be provided. However, following clarification from the applicant that such a layout would require the introduction of extensive retaining walls, which would be both unsightly and expensive, the current highway layout has been accepted.
- 10.54 In terms of the level of car parking, the Local Plan Kirklees Council no longer provides car parking standards. Whilst the Highways Design Guide SPD (guidance) notes that 2-3 bedroom dwellings should provide a minimum of two-off street car parking spaces and notes that in most circumstances, one visitor space per 4 dwellings is considered appropriate, Policy LP22 establishes that parking requirements for new developments should be evidence based within the planning application submission.
- 10.55 In this case, 2 of the 68 properties are provided with one parking space. These are 2-bedroom dwellings. The remainder of dwellings have two off-street spaces. However, there would be 21 visitor spaces compared to the 17 space that would comply with the 1:4 ratio within the Design Guide. On the basis that the Council does not have adopted parking standards, whilst the proposed parking levels for 2 units are below guidance in the Highways Design Guide, a refusal on this ground could not be substantiated, particularly as the application would also include a Travel Plan and a contribution to a sustainable travel fund to reduce reliance on the private car. The overall conclusion is that the proposed development is acceptable from a highways perspective.
- 10.56 Consideration has also been given to the sustainability/accessibility of the development. It is clearly an allocated site and as such, it forms part of the Council's spatial strategy for development across the district. Moreover, it would be equally sustainable to the residential development that surrounds it, becoming part of the existing settlement of Lepton.
- 10.57 The pedestrian opening towards the southern end of the site onto Penistone Road would provide pedestrians with a more direct walking route to Lepton Village. The Post Office in Lepton would be approximately 0.8 miles in distance (circa 20 minute walk). This is comfortably within the 2k preferred maximum walking distance (24 mins) identified within the Institute of Highways and Transportation publication 'Providing for Journeys on Foot'. Rowley Lane Junior and Infant School would be approximately a 0.5 mile walk (13 mins). The nearest supermarket would be Morrisons at Waterloo; this would be approximately 1.2 miles away (23 minute walk) whilst also accessible by bus. The Yorkshire Tiger Bus Company serves the site on two bus routes – the 84 (Huddersfield to Denby Dale) and 233 (Huddersfield to Denby Dale via Skelmanthorpe and Clayton West). The 84 is broadly a two hourly daytime service Monday to Saturday whilst the 233 is roughly a half-hourly service Monday to Saturday (morning to circa 11pm) and an hourly service on Sundays. It is therefore reasonably well serviced by means other than the private car and this would be supported by contributions sought to encourage sustainable travel, including an upgrade to the nearest bus stop and a package of sustainable travel measures. This would include a contribution towards

sustainable travel incentives and in this case, a contribution of £37,851.00. This equates to bus only Residential Metro Cards. These measures would be secured through the S106 Agreement and spent in agreement with Ward Members at the appropriate stage of development.

- 10.58 It is recognised that the disused railway line to the rear of the site is identified within the KLP as part of a core walking and cycling network. Policy LP23 of the KLP advises that they provide an opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. Proposals should seek to integrate into existing and proposed cycling and walking routes by providing connecting links where appropriate. This has been fully explored in the course of this planning application in terms of providing a direct link from the site onto the former railway line. However, the railway embankment and line are in separate private ownership and the steepness of the railway banking made it unfeasible to provide a direction connection from the POS within the site onto this route. Consequently, a pedestrian route was incorporated within the POS to the northern end of the site, from where the railway line would also be accessible in the event that it could be brought forward as a public bridleway/cycling route in the future. Consideration was also given to securing a contribution towards this route. However, at this stage, given that it remains in private ownership without a clear strategy to bring it forward as a walking and cycling route, a contribution could not be justified at this point in time.
- 10.59 For the reasons set out above, and subject to the imposition of appropriate planning conditions and measures secured through the S106 Legal Agreement, the development is considered to sufficiently accommodate sustainable modes of transport and be accessed effectively and safely by all users in accordance with Policy LP24 of the KLP and guidance within the Framework.

#### Flood Risk and drainage

- 10.60 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.
- 10.61 In this case, the site lies within Flood Zone 1, which is identified by the Environment Agency to be at a low risk of flooding. This means it has been shown to be at less than 0.1% chance of flooding in any year – or a 1:1000 year chance. National Planning Practice Guidance on Flood Risk confirms that residential development is a ‘more vulnerable’ use that is compatible in flood zone 1 and no further assessment (such as the Sequential or Exception Tests) is required. Nevertheless, the FRA submitted with the application does identify specific mitigation measures to ensure that it does not result in flooding elsewhere. These include footways to be constructed to naturally fall towards and into garden/green areas to encourage the informal percolation of surface water runoff from these areas, External surfaces to fall away from properties

and properties to have a finished floor level higher than development carriageway levels.

- 10.62 With regard to drainage, the initial proposals included a pumping station for the discharge of foul and surface water. The LLFA objected to that proposal and requested a revised drainage strategy and consideration of surface water flood risk.
- 10.63 The revised strategy confirms that the site is currently not positively drained, being a Greenfield site. It states that the site is underlain by Pennine Lower Coal Measures Formation, which is basically mudstone that is generally characterised as being low permeability. The site is on a steep slope with many retaining walls at changes in levels, which may be impacted by infiltration techniques. Therefore, the option of surface water disposal via a soakaway or other forms of infiltration techniques are not considered suitable for this site. The surface water discharge option is therefore to outfall to a nearby watercourse. The nearest watercourse to the site is an ordinary watercourse located to the north east. This watercourse discharges to Fenay Beck. Foul water from the residential development would be drained by a separate foul water drainage system. Maintenance would be required of the conventional piped network and also of the SuDS. For the conventional piped system, access for maintenance and inspection would be provided and the pipework would be laid to achieve self-cleansing velocities. Occupiers would be responsible for their own private drainage and Yorkshire Water for adopted sewers.
- 10.64 The LLFA have confirmed that they can support the proposal subject to conditions. It is advised that a gravity outfall has been achieved and an indicative drainage drawing using a conservative discharge rate has demonstrated that an attenuation tank can be accommodated. It will be necessary for further details to firmly establish a suitable discharge rate and detailed drainage designs will therefore be sought by condition.
- 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 The applicant submitted both a Noise Impact Assessment and Air Quality Impact Assessment (AQIA) to support the development proposal. In this context, 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 from noise etc. 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 AQIA was revised in the course of the planning application in response to comments from the Council's Air Quality Officer to the original report. Further details were requested with regard to modelling approaches and information

regarding the cumulative impact that other local developments would have on future traffic data and resulting air pollution concentrations at the receptors of the proposed development. The revised AQIA considers both the construction and operational phase of development. In relation to the former, it concludes that whilst the likely impact of dust and PM10 are negligible, mitigation measures would be applicable for a low to medium risk site. These would include monitoring and on-site management (e.g. screens or barriers around dust activities), which can be secured by condition. With regard to the development itself, in terms of introducing new exposure, predicted NO<sub>2</sub> and PM10 concentrations would be below the relevant air quality objectives.

- 10.68 The Council's Air Quality Officer has considered the revised submission. The methodology and approach, and the recalculated verification factor, is accepted. Environmental Health are satisfied that the modelling results indicate that the pollution levels will not be exceeded at sensitive receptor locations within the site and are below the national objectives. Overall, they concur with the conclusions of the report that the NO<sub>2</sub> and PM<sup>10</sup> concentrations will not be exceeded, and although no mitigation measures are required for the operational phase, they do expect the best practice mitigation measures to be implemented throughout the construction phase so as not to impact the existing air quality in that location. Overall, Environmental Health accept the Air Quality Assessment and confirm that conditions regarding Air Quality are not necessary. The application is therefore considered to comply with Policy LP51.
- 10.69 The originally submitted Noise Assessment advised that the main source of noise affecting the site would be from road traffic on Penistone Road. From these measurements, and based on the proposed site layout, the report determines that the predicted noise levels across most of the site would result in target indoor and outdoor sound levels being exceeded. It therefore proposes a range of mitigation measures, such as an acoustic specification of the glazing and trickle ventilation. The Assessment also confirmed that some of the outdoor amenity areas may be subject to higher noise levels where it may not be practical to achieve less than 55dB across the site, particularly plots close to Penistone Road.
- 10.70 The Council's Environmental Health Officer advised that the report made an acceptable assessment of the ambient noise levels across the site and made satisfactory proposals for the acoustic specification for the glazing and trickle ventilators. However, a number of specific shortfalls were identified. These included the acoustic specification of the roof structure and upper floor ceilings, noise mitigation measures for external amenity areas that are predicted to be subjected to levels of 55dB or less (with 50dB being desirable) and a lack of detail about which facades of which plots (if any) will be able to achieve satisfactory indoor sound levels even with windows open.
- 10.71 This was addressed within a revised Noise Impact Assessment. This report provides an acoustic specification of the roof and confirms that a traditional roof utilising exterior tiles on a timber frame with mineral wool insulation in the void and a 25mm plasterboard ceiling would provide adequate noise control. It states that the use of opening windows is expected to be acceptable for short term use on the basis that the effect of increased internal noise levels would be expected by the occupant. With regard to external spaces, the report cites the British Standard, which states that in traditional external areas that are used for amenity space, such as gardens or patios, it is desirable that the external noise level does not exceed 50dB, with an upper guideline value of 55dB. It

acknowledges, however, that these guideline values are not always achievable, particularly adjoining strategic transport networks. Consequently, the report confirms that it would not be practically possible to achieve noise levels of <55 dB LAeq, across the site, particularly in areas close to Penistone Road. In the gardens of the worst affected properties, (Plots 1-10 and 43 and 44), with 2-metre fencing, the noise is predicted to be in the region of 60 dB LAeq,16hr. It is therefore acknowledged that gardens along the frontage will exceed the recommended dB values, albeit that fencing (to be conditioned) would provide some mitigation.

- 10.72 The Council's Environmental Health Officer advises that because the outdoor amenity areas of a number of plots would be exposed to very high noise levels, which cannot be effectively mitigated against, Environmental Health cannot support the application with the proposed layout that places outdoor amenity areas immediately adjacent to Penistone Road. Whilst this does weigh against the proposal, because the layout is a consequence of other factors such as topography, as noted above, it is not practical to secure a layout that will not expose the gardens of some properties to higher noise levels than might be desirable. As set out above, these levels are not always achievable. Furthermore, the Environmental Health Officer does recommend conditions should the application be approved, including details of some form of acoustic barrier to the gardens. This will provide some mitigation to these outside amenity areas. Overall, it is considered that the application has provided evidence to show that the noise impact have been evaluated and measures have been incorporated to prevent or reduce the pollution as far as practicable. With the introduction of some form of acoustic barrier it is considered that the proposal would not reduce the quality of life and well-being of future occupiers to an unacceptable level to the extent that a refusal could be justified. It would therefore, on balance, comply with Policy LP52.

### Heritage

- 10.73 Policy LP35 of the KLP 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. This reflects the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.74 A site constraint identified within the KLP in relation to HS1 is that it is close to an area of archaeological interest. This appears to relate generally to known Iron Age and Romano British activity in the locality as well as evidence of medieval settlements nearby. However, these areas of archaeological interest are not within the site. Consequently, a pre-determination archaeological evaluation was not considered necessary and it will be secured by means of a planning condition.
- 10.75 Concerns have also been raised as part of the consultation exercise with regard to the effect of the proposal on the setting of Castle Hill, which is Listed (Victoria Tower) and a Scheduled Monument. The supporting text to Policy LP35 within the KLP advises that development proposals will be expected to take into

account the Council's Castle Hill Setting Study when considering potential impacts on this designated heritage asset. The Setting Study was undertaken in 2016 as part of the Local Plan allocations and future development management functions.

- 10.76 The allocation is within the 10km buffer zone for the area of study for Castle Hill. However, it is not on a significant ridgeline nor on critical or high importance undeveloped land, as described within the setting study. Furthermore, Paragraph 6.18 of the Setting Study advises that where development is located within or immediately adjacent to areas of existing urban development, and is not out of scale with the design of surrounding existing buildings, the impact on the setting of Castle Hill will not be substantial. Similarly, where such development does not lie on a ridgeline, and would therefore not alter the character of views to and from the hilltop across such ridgelines, or challenge Castle Hill's prominence within the landscape, there is low risk of harm to setting.
- 10.77 It is therefore considered that the proposal would not harm the setting of Castle Hill. This is further confirmed by the fact that the setting of Castle Hill was fully considered through the local plan process and it is not identified as either a constraint or an 'other site consideration' within the KLP. For these reasons, the development of the application site is considered acceptable and the significance of Castle Hill as a heritage asset would be preserved. It is therefore in accordance with Policy LP35.

#### Ground conditions

- 10.78 The application is supported by a Site Investigation Report. This advises that the site has not been previously developed but it considers potential risks from possible shallow and deeper coal mining in the vicinity. An intrusive site investigation involving ground gas monitoring and analysis of soil samples found no evidence of coal workings and significant contamination risks. The report concludes that the site is suitable for the proposed use without the need for remediation.
- 10.79 The Council's Environmental Health Officer confirms that the reports are considered to be satisfactory and concur with the conclusions and recommendations. It is acknowledged that unexpected contamination does remain a possibility and an appropriate condition is recommended.
- 10.80 The Coal Authority have also considered the application. They confirm that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Based on the findings of the site investigations submitted with the application, the report identifies that no coal was encountered within three sample boreholes. As these failed to encounter the presence of any coal seams, the risk from former coal mine workings is considered to be low and no further assessments are considered necessary. The Coal Authority consider the findings of the assessment to be acceptable and they have no objection to the proposed development. The proposal is therefore acceptable with regard to ground conditions.

## Climate change

- 10.81 The application includes the submission of an Energy and Sustainability Statement, in response to the presumption in favour of sustainable development with the Framework, which includes guidance on minimising CO<sub>2</sub> emissions and reducing greenhouse gas emissions.
- 10.82 The statement confirms that a fabric-first approach has been adopted for the development. This means ensuring minimal heat loss through fabric, thermal bridging and air infiltration. The calculations on building fabric indicate that the houses would meet and, in some areas, represent a betterment of mandatory requirements set out in the current Building Regulations, particularly with regard to party wall and roof U-values (a measure of thermal transmittance and a mark of insulation). Space heating and domestic hot water (DHW) will be provided by a high efficiency gas boiler installed to each dwelling and Low energy lighting will be specified throughout. Water efficient fittings such as flow restrictors and water efficient appliances will also be used to minimise water consumption. Overall, the development would achieve a 5.5% CO<sub>2</sub> saving and 8.4% reduction in energy consumption against a 2013 compliant Part L baseline.
- 10.83 With regard to building materials, consideration will be given to the life cycle and will be specified through the development contract to have a low embodied impact. Furthermore, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. Adequate provision for cyclists (cycle storage for residents), electric vehicle charging points, and other measures would be secured by condition or via a Section 106 agreement, should planning permission be granted. Taken together, these measures shown that within the current regulations and standards, consideration has been given to the impact of the development on climate change.

## Response to representations

- 10.84 The majority of representations have been addressed in the report above. However, the following provides a response to specific points.

### *Highway and Transport Issues*

- 10.85 The concerns relating to pertained traffic problems on Penistone Road, access arrangements for the application site and its accessibility are addressed in the report above. In response to specific highway and transport issues, the following is advised:
- Given the increase in traffic volumes and mindful of the need to ensure cyclists' safety, are there any plans to create a cycle lane for each direction of the A629 Penistone Road and what impact would this have on the width of the road and the flow of vehicular traffic?  
**Response:** There are no current plans to create a cycle land on the A629.
  - The bus services are provided by just one Bus Company. What happens if the firm goes out of business or they decide to stop running a route or makes a significant change to its timetable (such as stopping all Sunday services). What provision is there for people who work unusual hours, particularly at night time?

**Response:** This application must be determined on current circumstances and cannot reasonably be based upon future probabilities as to whether or not a bus company will run or future timetabling. The potential for additional passengers arising from this development, should, however, provide some benefit to bus companies in boosting passenger numbers overall.

- The applicants report states that the pavement (which is currently only on one side of the road, with just a very narrow grass verge on the other side) is 1.7m wide. This is challenged as this is the widest point but it reduces down to 1.1m.

**Response:** Measurements taken from google earth indicate that the pavement is circa 1.6-1.7m wide but it is appreciated that it may vary in width along the length of Penistone Road, depending on the point of measurement. Nevertheless, it is still the case that a pavement of reasonable width is provided on one side of Penistone Road adjacent to the site.

- Stonewater advertise that they will rent properties to persons as young as 16. Therefore, there's a risk that this development will be occupied largely by young adults in the age group 17-24. Should those tenants have vehicles / access to vehicles that means a high-risk junction will be negotiated several times on a daily basis, by drivers who statistically carry the highest proportion of risk on UK roads?

**Response:** The future occupation of the dwellings and the driving ability of the occupants is not a matter planning consideration. Furthermore, the access and estate road have been designed with regard to highway safety standards.

- The width of Penistone Road is not 8.7m as stated – it varies. Measured at 8.19m just beyond the access junction outbound to Whitegates. The central hatching was 1.51m and not 2.5m wide.

**Response:** The applicant's Highways Consultation has responded to confirm that the road width varies and is narrower in places, including narrower hatching. However, the important width is where the applicant is proposing to introduce the right turn lane. They have checked the width on the topographical survey at a distance of every 10m along the proposed right turn lane. They confirm that the width is between 8.7-8.8m as quoted. Therefore, 3m running lanes and a 2.5m right turn lane is possible at the site access.

- The plans provide for a 2.5m ghost lane to hold up to 7 vehicles but if the width of the road varies, the road lanes will be severely restricted.

**Response:** As above.

- Disparity between distances in report and those provided by 'googling them' in terms of distance to shops/services etc.

**Reason:** A concern had been raised about certain distances e.g. to Morrisons. Whitegates Grove to Morrison is 2km. The applicant responded to advise that whilst it may be 2km if you walked along the road, there is a footpath into Morrison's from the south that reduces the distance to circa 1.5km. These distances will therefore depend on the exact start and finish points but provide a broad indication of accessibility nonetheless.

- TA claims the ghost lane minority access to Whitegates Grove is 2.5m but it is 1.9m. The ghost lane access marked by a T-road junction sign approximately 300m north along Penistone Rd from the Whitegates Grove turn off serves a total of 4 homes and is 1.73m. This second minority junction is not referred to in the transport report. A narrow ghost lane to serve 74 houses would therefore be dangerous;  
**Reason:** As above.
- No mention is made of both the numerous recorded accidents and minor unreported ones around the staggered junction at Station Rd/ Fenay Lane and the seriousness of some of those accidents.  
**Response:** The TA does include an assessment of road traffic collision data for the most recent 5 year period and does acknowledge that the main cause of accidents on the local network is associated with right turning vehicles, which are typically the most common type of incident at priority junctions on busy urban roads. This is addressed in the report above.
- The further inclusion of islands on this stretch of road will make it more dangerous for cyclists by creating pinch points.  
**Response:** Traffic islands are not an unexpected feature of road furniture that can be negotiated by other road users.
- The local bus stops are too small to support the extra number of people.  
**Response:** There is no evidence that the bus stops would be too small.
- There are no plans showing a safe crossing point for pedestrians.  
**Response:** There is no proposal to introduce a crossing point onto Penistone Road. It is not considered to be justified by the scale of this application.

### Drainage and Flooding

10.86 In response to specific flood risk issues not addressed in the report above, the following is advised:

- The land has a serious problem with flooding and the drains are not suitable for purpose.  
**Response:** A positive drainage proposal is put forward that is deemed acceptable to the LLFA as detailed in the report above.
- The documentation does not include a Flood Risk Assessment (FRA) nor a response from the Environment Agency.  
**Response:** An FRA was included within the Drainage Strategy. The site lies within Flood Zone 1 in accordance with the Environment Agency's Flood Map such that it is at a low risk of flooding. It is not identified to be in an area with critical drainage problems as notified by the EA and combined with its location in Flood Zone 1, consultation with the EA is not required.
- There are many springs running down the field into Penistone Road, which does flood;  
**Response:** Surface water flooding has been fully considered by the LLFA.

- In recent heavy rain Penistone Road was standing in water, Fenay Beck below was massively swollen coming dangerously close to homes at the bottom of Woodsome Road and Brewery Yard off Fenay Lane, flooding Harvey's and entering the car park at Morrisons. Building here will increase these problems even with a good drainage system;  
**Response:** Surface water flooding has been fully considered by the LLFA.
- Surface water will run down the development towards Penistone Road (downhill, away from the proposed new development) and inevitably place greater stress on Fenay Beck, which already bursts its banks in heavy rain.  
**Response:** Surface water flooding has been fully considered by the LLFA.
- The building of houses on this land will create a greater risk of flooding. As this field takes in water from the hill above and the houses situated above the field, if houses are built then there will be no soak away for the rain water.  
**Response:** There is presently no drainage system within the field but the proposal will result in the field being positively drained.
- Existing low lying housing stock further down- stream could be impacted by any additional housing and even more so due to the cumulative impact from all the proposed houses in the Local Plan that are built in Lepton and Fenay Bridge. **Response:** This application has been assessed with regard to drainage and flood risk. Any future application on the remaining site allocations within Lepton (HS2 and HS3) will also be subject to assessment with regard to both flood risk and drainage.
- The character of the site existing top soil cover is permeable and normally allows good absorption with ordinarily little run off. Development of the site seems to involve extensive excavation which will expose less permeable strata with the consequent increase in run-off. **Response:** The application will include a positive drainage system rather than the current situation of no drainage.

#### Noise, Air Quality and Pollution

10.87 The majority of the matters raised with regard to noise, air quality and pollution are addressed in the report above. The following response to specific representations is set out below:

- The provision for electric vehicle charging is grossly exaggerated, vehicles of this type and price are not likely to be used by residents of affordable social housing, not really an issue other than the that it is obvious that vehicles will be of the highest polluting types, the density of which (taking into account the 139 allocated parking places in a small compact area) is going to be massively detrimental on the local environment, noise and air quality. **Reason:** Such assumption about future occupiers cannot be justified and the scheme will nonetheless make provision for electric vehicle charging points.
- What guarantees do existing residents have in terms of the obvious increases in traffic, air + noise pollution as a result of a major housing development? **Response:** The application has been fully assessed with regard to its impact on Air Quality as set out in the report above.

- An assessment be carried out on the cumulative effects of emissions from vehicles using Penistone Rd in order to predict the impact on air quality. **Response:** the AQA is based upon a cumulative assessment of impacts as set out in the report.
  
- The incline of the site and its south-west facing orientation causes it to be subject to the 'downwind' effects of the oft-prevailing south-west air flow. The potential therefore of very high concentrations of harmful traffic fumes and excessive noise from the frequent increasingly slow moving and often queuing traffic, to occupants of the proposed nearby development overlooking the grossly overloaded Penistone Road; **Response:** This matter has been fully considered by the Council's Environmental Health Officer. They advise that noise travels in a straight line from the source, with the level of the noise decreasing as the distance increases. From a point noise source, the level will decrease by 6dB with every doubling of distance but from a line source (such as continuous traffic on a road) it decreases 3dB with a doubling of distance, assuming free field conditions in both cases. In conditions that are not free field the noise behaves differently. Where there are obstacles wholly or partly in the direct path of the noise between the source and the receiver the noise will to a greater or lesser extent be attenuated more than in free field conditions. However, in a totally enclosed space the noise the noise can be reflected off surfaces and potentially be directed towards the receiver reducing the level of overall attenuation. On the latest site layout there are a number of points where there will be a direct line of sight from Penistone Road eastwards across the whole site. Some road traffic noise from Penistone Road will be reflected from the surfaces of the proposed buildings, although the buildings will also absorb some of the sound. Because this is not the fully enclosed situation described above it is unlikely that the proposed layout will cause any perceptible increase in the levels of noise from Penistone Road at Clough Way. In fact, the presence of the new buildings will provide an acoustic barrier effect for much of the noise caused by traffic on Penistone Road and therefore the overall effect will be to reduce noise levels at Croft Way.
  
- The direct void noise corridors from the A629 traffic noise source and adjoining properties remain virtually unaltered in the revised scheme. **Response:** As above.
  
- Concerned about a change in character of the received noise due to the development layout. Currently, traffic noise is of a tolerable, consistent uninterrupted tone. Due to the proposed site layout receipt of traffic noise at our property will be intermittent, variable and therefore persistently annoying. **Response:** As above.

#### 10.88 Green Belt

In response to comments that the site is in the Green Belt and Kirklees should be looking to build on Brownfield land before green, it is clarified that it is not within the Green Belt. It was removed from the Green Belt through the Local Plan process and it is now an allocated housing site. In response to comments that Brownfield should be development before green, this is addressed in the report above. The development of Greenfield land is not precluded by either national or local planning policy. Furthermore, whilst the comments about other available Brownfield sites within the locality, as well as reference to the

Council's Brownfield register are understood, the Council have a duty to determine the applications submitted to them and there is no policy basis to refuse an allocated site because other Brownfield sites may be available.

### Density and Design

10.89 The concerns raised with regard to density and design are largely addressed in the report above. The following specific responses are advised:

- Reviews of other Stonewater developments have very negative comments regarding the quality of building materials etc. This will have a further negative effect on the locality. **Response:** The character of the applicant is not a material planning consideration.
- The relationship to existing houses is closer than 21 metres between main habitable windows. **Response:** Kirklees Council do not have any adopted standards between main habitable room windows and an assessment is made on a site-by-site basis as set out in the report above.
- The amount of space allowed on the estate is too small for the number of children likely to be on the estate and there no green spaces nearby for children to play. If fewer houses were on the site, there could be bigger green spaces for recreational use by residents. **Response:** It is considered that the scheme delivers a sufficient quality of open space having regard also to the requirement to make efficient use of land.
- The design and layout of the proposed properties is repetitive, uniformed, with no imagination or creativity in regard to appearance and layout and have very little space between them. **Response:** This is a subjective assessment and the design and layout is considered acceptable for the reasons set out in the report.
- Tall retaining wall is being proposed with properties proposed at 4-5 metres below the height/level. **Response:** There would be a retaining wall to the rear of some properties but its design and appearance is subject to a planning condition and the relationship between the houses and the wall is considered to be acceptable.
- What will the boundary treatment be? **Response:** The plans indicate that along the site frontage, the existing stone wall will be retained/repared. A reconstituted stone wall is proposed along part of the southern boundary before becoming a retaining wall, which continues along the remainder of the southern and eastern boundary. The northern boundary will remain unchanged. Final details of boundary treatments (including materials) will be secured by means of a planning condition.
- There was much made of a proposed public footpath from the south east corner of the site connecting through to Rowley Lane but this is no longer outlined on the new plan. **Response:** A pedestrian access point onto Penistone Road is proposed towards the southern end of the frontage to provide a more direct route to Rowley Lane.

## Living Conditions

10.90 The concerns raised with regard to living conditions are largely addressed in the report above. The following specific responses are advised:

- The existing properties on Clough Way have large front windows and an open area opposite them. The new properties would become an 'eyesore' and people would be able to see directly into these front rooms. **Response:** It is established in planning case law that there is no right to a view.

## Landscape and Ecology

10.91 The concerns raised with regard to landscape and ecology are largely addressed in the report above. The following specific responses are advised:

- A variety of wildlife including deer, foxes and owls on the old railway track to the rear of the site and cannot imagine that they will use this corridor if it becomes a playground for children of the estate. **Response:** These animals typically exist in urban areas and the habitat along the old railway track will remain as existing.
- Removing trees will cause more flooding. **Response:** 9 trees are to be removed but more will be replaced as a result of development.
- The area of green space is just a token and will be used as a play area and there will be no benefit to wildlife at all. **Response:** If appropriately planted (subject to a condition) the grassland within the play area can be a habitat to wildlife e.g. invertebrates.
- This is an area that contains a rich diversity of wildlife. Has research and/or a thorough census been conducted to see how a large-scale housing development will affect wildlife and the local eco system? What safeguards do the planners, developers + local authority have in place to protect wildlife in the area? **Response:** The applicant will be required to prepare a Bio-diversity Management Plan, which will be secured by means of a planning condition, the details of which once agreed are enforceable.
- The Preliminary Ecological Appraisal (PEA) was conducted during the sub-optimal time for such surveys, meaning that the report lacks detail and fails to provide a rigorous assessment of the Site's biodiversity and how it should be protected and enhanced. **Response:** Further surveys were subsequently undertaken as deemed necessary by the Council's Ecologist.
- The ecological assessment of the site gives scant consideration of the use of the site by farmland birds and site survey in November means the area's use for foraging by bats won't have been assessed. **Response:** The PEA does identify the site as a suitable habitat for foraging bats. Bird and bat boxes will be required by condition to enhance the bio-diversity value of the site.
- How will it address bio-diversity net gain requirements? **Response:** This will be subject to a planning condition.

## Social Infrastructure

- 10.92 The majority of comments relating to social infrastructure raise concerns that schools and doctors/dentists within the locality will be unable to cope with more families. The matter of education and relevant contributions via the S106 Legal Agreement is set out above.
- 10.93 With regard to health infrastructure, 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.
- 10.94 In response to other specific queries, the following is advised:
- Has the education department factored in the potential increase in children numbers from other nearby housing developments included in the Local Plan; for instance, Sites HS2, HS3 and HS9 which have a joint site capacity of 872 dwellings. **Response:** These will be factored in when those sites come forward and are subject to a separate assessment of education provision.
  - A more accurate approach to estimating the need for additional school places would have been for the Council to have adopted the methodology detailed by the Education Funding Agency (EFA) in its document School Capacity (SCAP) Survey 2014: Guide To Forecasting Pupil Numbers In School Place Planning. **Response:** The Council's assessment is based upon the Council's own adopted guidance on providing for education needs generated by new housing, which provides a locally standardised methodology.
  - How has the Council arrived at the figures for the increase in local school's intake numbers as a result of the development of 74 houses? **Response:** Using the Council's own adopted guidance on providing for education needs generated by new housing.

## Historic Environment

- 10.95 Concern related to the historic environment area addressed in the report above.

## General issues

- 10.96 The majority of general issues are addressed in the report above. The following detailed responses are provided:
- If all the houses are social or shared ownership "it will create a ghetto that will stigmatise the occupants and affect the other houses in the area". **Response:** Matters raised about the character of future occupants is not a material planning consideration.

- House values will be affected. **Response:** Case law has confirmed that the impact of development on house values is not a material planning consideration.
- “Fenay Bridge has a good reputation for quality properties in a safe area. Building what is, in effect, a council estate within the area is not going to be in the best interests of the existing residents, or the new tenants”. **Response:** The applicant is a social housing provider who will continue to maintain and manage the site. In their experience of other sites, there is no evidence that crime levels would be different to those on existing developments nearby.
- As a result of COVID and Brexit, there is uncertainty about how many homes are needed and it is possible that for the reasons of Brexit alone, the population of the UK will shrink as migrants return to their own country. **Response:** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. An estimation of migration rates is not material and the development plan sets out housing requirements for the district between 2013 and 2031.
- Concerned at the reference to evidence of arsenic and mercury in soil samples. **Response:** Marginally elevated concentrations of arsenic were in three of the 32 samples analysed across the site. The three exceedances were identified to be marginal and generally considered to pose a significant risk to construction workers and future site users. However, further ground investigation would be required to confirm this. The mercury was identified as a localised feature that is probably natural in origin. Further conditions are therefore proposed with regard to a remediation strategy and to deal with any unexpected contamination.
- During 2019 (possibly planned & approved 2018), work was undertaken to relocate / divert overhead power lines (these are likely to have been 11Kv lines?) from within the proposed development site. Was this work undertaken in advance and proactively by the applicant(s) without instruction from Kirklees, or were they instructed to perform this work as a direct result of any pre-planning discussions? **Response:** The applicant has confirmed that these works were not commissioned by them and were likely to be works undertaken by the power company.
- Land within the site has located shallow coal mine workings that may cause land in that part of the site to be unstable. Observed that along the road directly above the railway line along Clough Way, there has been movement of the fence, which suggests the land is actually moving. **Response:** The Coal Authority were consulted on this application and raise no objection to it based upon the information provided.
- The route of the Fenay Greenway is an already well used path between Whitegates Grove and Rowley Lane, which includes the section adjacent to this site. The path is easily accessible on the level through a gate on Whitegates Grove, and also from Rowley lane adjacent to the former overbridge. Properly surfaced to a 3 metre width, the path would become a valued amenity for walkers, cyclists, wheelchair users and buggy pushers, including residents of the proposed development, if approved. In the longer term it will be part of a an alternative commuter route to Penistone Road,

where conditions for cyclists and pedestrians will only get worse as other residential sites in the corridor are developed. **Response:** This is addressed in the report above.

- Unacceptable to condition so many details such as retaining walls.  
**Response:** National Planning Practice Guidance confirms that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. It is not atypical to require details by condition for a major development such as this.
- A property on Whitegates Grove has not been shown correctly on the applicant's plans.  
**Response:** Even if the property had not been shown comprehensively on a layout plan, the site has been visited and assessed by the Case Officer and the impact of the proposal on future occupiers of Whitegates Grove has been fully assessed in the report above.

### Climate Change

10.97 The following detailed responses are provided:

- Climate change is necessitating a change in the way that we design houses to ensure that they are heated efficiently without using gas central heating which will only contribute to global warming through the emission of CO2. Has this been considered by the house builder and Kirklees planning?  
**Response:** The comment is noted but the ban on gas boilers in new home from 2025 will not be controlled through the planning process and cannot be enforced through planning at this stage. The applicant has at least acknowledged CO2 emissions and sought a clear fabric first approach.
- Very much doubt if any of the new houses would have electric charging points installed, which is Government recommendations at present, to encourage further uptake of electric cars before the 2035 cut-off.  
**Response:** Electric charging points will be secured by means of a planning condition.

### Procedural

10.98 The following detailed responses are provided:

- No communication with the developer since September 2019 except receipt in March 202 of their proposals, which were virtually unaltered from the initial scheme displayed at the public exhibition and feedback queries remain unanswered.  
**Response:** This is a matter for the applicant.
- Concern about the timing of the application during a pandemic that prevents people from organising group meetings to comment on the proposal.  
**Response:** The Chief Planning newsletter (from the Ministry for Housing, Communities and Local Government) dated 23 March 2020 asked local authorities to prioritise decision-making to ensure the planning system continued to function. The submission of applications within this period could not therefore be precluded from consideration.

- Consideration of the application should be delayed until meaningful and proper democratic community engagement can take place.

**Response** This application was subject to a consultation exercise undertaken by the applicant and there have been two rounds of public consultation as part of the planning application process. It is therefore considered that residents have had reasonable opportunity to raise their concerns.

- Do not believe a virtual planning meeting to be satisfactory as a means to determine this application.

**Response:** MHCLG introduced legislation in May 2020 to provide the power for local authorities to provide virtual meetings. The Government advised that to ensure planning decisions continue to be made, local planning authorities should take advantage of these powers to hold virtual planning committees – rather than deferring committee dates. These meetings retain the opportunity for residents to speak to Committee Members and are therefore considered to be a satisfactory means to determine this application.

### Construction issues

10.99 It is a matter confirmed within planning case law that objections relating to construction issue are not material, principally on the basis that they are temporary and they can also be controlled via alternative Environmental Health legislation. Nevertheless, a Construction Environmental Management Plan would be secured by means of a planning condition to address matters such as working hours, dust, contractor car parking etc. With regard to matters of structural integrity of existing properties, this would be a civil matter between the applicant and existing occupiers.

## **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 - to be provided in perpetuity with an agreed split between affordable rent and shared ownership;
- b) Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
- c) Education - Additional places would be required at Rowley Lane Junior Infant and Nursery School and some additional secondary school places would also be required. Based on projected numbers forecast for 2022/23, a total financial contribution of £135,308 is required split between £85,664 (primary) and £49,664 (secondary);
- d) £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
- e) A contribution of £37,851.00 towards a sustainable travel fund (based upon bus only Residential MCards);
- f) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

- 11.2 The requirement for an obligation to retain the affordable housing in perpetuity and with regard to off-site open space is set out in the report above.
- 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 contribution to install Real Time information to the 16775 bus stop on Penistone Road and towards a sustainable travel fund based upon bus only Residential MCards will meet the objective of encouraging sustainable modes of travel required by Policy LP20.
- 11.5 The heads of terms in relation to drainage and POS will ensure that arrangements are in place to secure the long-term maintenance and management of these elements of the scheme.
- 11.6 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 contributions therefore conform to guidance within the Framework.

## **12.0 CONCLUSION**

- 12.1 This application seeks full planning permission for the construction of 68 dwellings on a site allocated for housing within the Local Plan. It will deliver 68 new homes of which 20% will be affordable. This will make a meaningful contribution to housing need within the Borough.
- 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 can be addressed at conditions stage.
- 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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans.
3. Submission of a Construction Environment Management Plan.
4. Provision of visibility splays.
5. Final details of the junction of the new estate road.
6. A detailed scheme for the provision of a right turn lane.
7. Travel Plan
8. Submission of details relating to internal adoptable roads.
9. Method for collection and storage of waste.
10. Details of new retaining walls/structures adjacent to the adoptable highway.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Tree Protection measures
14. Development in accordance with FRA mitigation measures;
15. Site to be developed by separate systems of drainage for foul and surface water on and off site.
16. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
17. Unexpected contamination.
18. Details of crime prevention measures in accordance with guidance from WY Police.
19. External materials (including samples).
20. Window details
21. Boundary treatments.
22. External lighting.
23. Full Landscaping scheme, including street trees.
24. Biodiversity enhancement, net gain and Ecological Design Strategy.
25. Details of bio-diversity area.
26. Removal of permitted development rights.
27. Archaeology.
28. Details of all retaining walls (including structural details and appearance).
29. Finished site levels (including existing and proposed cross-sections).
30. Details of an acoustic barrier.
31. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

#### **Background Papers:**

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90725>

Certificate of Ownership – Certificate B signed – notice served on site owner.