

---

**Report of the Head of Planning and Development****HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 31-Mar-2022****Subject: Planning Application 2020/94096 Erection of 21 dwellings and associated works Land south of, Swallow Lane, Golcar, Huddersfield, HD7 4NB****APPLICANT**Jones Homes (Yorkshire)  
Ltd**DATE VALID**

12-Jan-2022

**TARGET DATE**

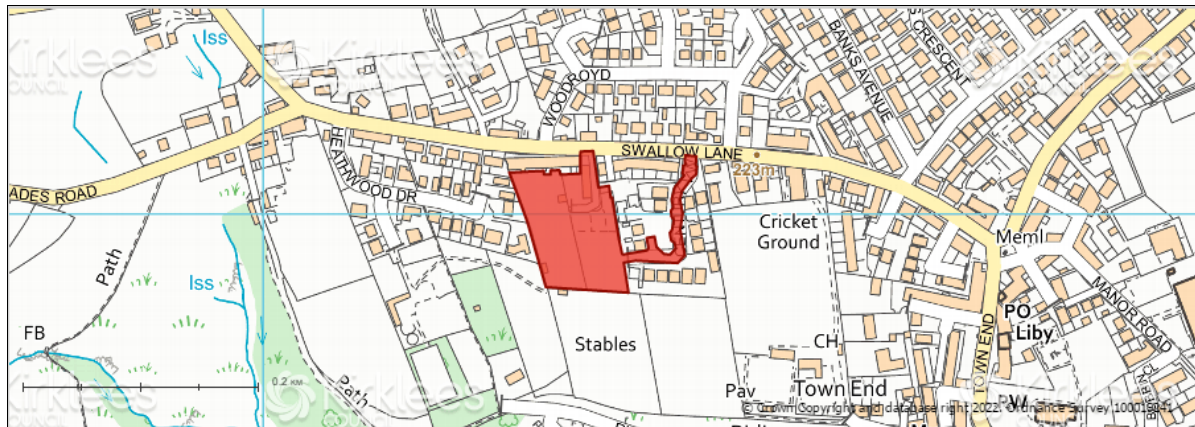
13-Apr-2022

**EXTENSION EXPIRY DATE**

---

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

[Public speaking at committee link](#)

**LOCATION PLAN**

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

---

**Electoral wards affected: Golcar**

**Ward Councillors consulted: Yes**

**Public or private: Public**

---

## **RECOMMENDATION**

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

1. Affordable Housing: 4 affordable dwellings (2 Social Rent, 2 Starter Homes), to be provided in perpetuity.
2. Public Open Space: On-site 526sqm of Public Open Space and future maintenance and management responsibilities of open space within the site, with off-site Public Open Space contribution of £36,645 to address shortfall.
3. Education: £37,233 contribution to be spent on upon priority admission area school(s) within the geographical vicinity of the site (vicinity to be determined).
4. Ecology – £7,245 contribution towards off-site measures to achieve biodiversity net gain
5. Management and maintenance: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

## **1.0 INTRODUCTION**

- 1.1 This is an application for full planning permission for a residential development of 21 dwellings. This application is brought to Huddersfield Planning Sub-Committee in accordance with the Delegation Agreement, as the proposal seeks a residential development of less than 61 units with a site area exceeding 0.5ha.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is within Golcar, with Golcar local centre circa 300m to the east and Golcar Cricket Grounds 80m to the east. Huddersfield town centre is approx. 5km to the east.
- 2.2 The application site has an area of 0.74ha. It is split between unkept grass and managed lawn, part of which has evident historic ties to a residential unit (or units) along the north boundary. A gravel surface, large enough for vehicles, is to the north of the site and connects it to Swallow Lane, running between nos. 56 and 58 Swallow Lane. A modern prefabricated commercial shed is sited next to this path, within the site boundary, and several outbuildings are dotted around elsewhere within the site. Trees are located around the site, notably along the west boundary and in the centre. The site slopes down from north to south.
- 2.3 To the immediate north, east, and west are residential properties backing onto the site. To the south are open fields designated as Green Belt. Boundary treatment include stone walls, 1.8m high fencing, and vegetation. The adjacent development (ref. 2018/92700 which approved 19 dwellings) includes a road connection into the site's south-east corner, linking through to Swallow Lane. The adjacent development's road is called Century View.
- 2.4 At the time of the officer's site visit a temporary development compound was positioned within the south-east corner of the site, associated with the construction of the adjacent 19 dwellings.

## **3.0 PROPOSAL**

- 3.1 The existing structures on site would be demolished. The proposal seeks the erection of 21 dwellings, consisting of detached, terraced, and semi-detached units with the following size mixture:
- Three-bed: 12 (57.2%)
  - Four-bed: 7 (33.3%)
  - Five-bed: 2 (9.5%)
- 3.2 Access would be taken from an existing estate road within the adjacent recent development (ref. 2018/92700) which links to the site's southeast corner, and continues onto Swallow Lane. The new proposed estate road (shared surface format) would run into the centre of the site, with private drives and turning head branching off, which the units would front onto and be accessed from.
- 3.3 Five different unit types are proposed, all two storeys in height. They are to be faced in art-stone, some with render detailing, and grey roofing tiles. The appearance of the dwellings corresponds to those built adjacent to the east (with some of the same house types).
- 3.4 The three-bed units would each have two dedicated parking spaces. The four and five-bed units would have three each. Plot 18 would have a detached double garage, plot 17 a detached single garage, with several of the house types having integral garages. Six visitor parking spaces have been shown.

- 3.5 The gravel access, to the north east and connecting to Swallow Lane, would be landscaped into an area of Public Open Space (526sqm) with a path connecting the development to Swallow Lane. Private area boundary treatments are to be 1.8m close boarded fencing, with boundaries adjacent to the road being 1.8m art-stone with timber panels.
- 3.6 Four units, all 3-bed in size, have been offered as affordable homes. Two are offered as 'starter homes' and two as 'social rent'.

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

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

None.

##### **4.2 Land adjacent to the east, also within HS152**

2017/93459: Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – Conditional Full Permission

2018/92419: Discharge conditions 3, 7, 10, 12, 13, 14, 16, 19 on previous permission 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – DOC Split Decision

2018/92700: Variation condition 2 (plans) on previous permission 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – VOC Approved

2019/90010: Discharge of conditions 18 (Ecological design strategy) and 22 (Electric vehicles charging point) on previous application 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – DOC Approved

2020/91502: Non material amendment to previous permission 2019/92843 for erection of three supporting columns and mesh cricket fencing (12m in height) – NMA Approved

##### **4.3 Surrounding Area**

*85, Swallow Lane*

2021/90604: Erection of two storey side and first floor extensions – Refused (Upheld at Appeal)

*adj, 88, Swallow Lane*

2020/92706: Erection of 2 semi-detached dwellings with associated access and landscaping works – Conditional Full Permission

2020/94279: Erection of first floor extension to side and single storey extension to front – Conditional Full Permission

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

- 5.1 Officers expressed concerns over the proposal as submitted, which was for 19 dwellings. Of these, 14 were to be 4-bed detached units. This over reliance on large, detached units led to a cramped layout that was an ineffective use of the land. The original scheme also met opposition on other grounds, including amenity, highways, and design.
- 5.2 Negotiations took place to address the various issues. This took the form of establishing a reasonable quantum of development for the site, and the scale of the units. The applicant expressed a preference for fewer but larger units to address perceived changes in house buyer desires during COVID and local supply. Officers maintained an expectation to comply with Local Plan policies and evidence, suitable amendments were secured.
- 5.3 The proposal was amended to 22 dwellings following indicative plans being commented upon by officers. Following submission of full plans, the application was readvertised to neighbouring residents and interested parties. On detailed review of these plans, officers identified remaining issues relating to neighbouring amenity, urban design, and highways. This led to a final round of discussions and negotiations that resulted in the current proposal for 21 units. Based on these final amendments, officers were supportive of the application.

## **6.0 PLANNING POLICY**

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

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

- 6.2 The application site is part unallocated, and part of Housing Allocated HS152 (circa 40% of the allocation's area). The site allocation HS152 has an indicative housing capacity of 49 dwellings. The remainder of HS152 has been previously developed via 2017/93459. The land to the immediate south is allocated as Green Belt.
- 6.3 Within the Local Plan site allocation HS152 identifies the following constraints relevant to the site:
- The provision of a pedestrian footway is required across the site frontage

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **Chapter 19** – Green Belt and open space
- **LP63** – New open space
- **LP65** – Housing allocations

6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

*Supplementary Planning Documents*

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide (HDG) SPD (2021)
- Open Space SPD (2021)

*Guidance documents*

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

## National Planning Guidance

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

- 6.7 Other relevant national guidance and documents:

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

## Climate change

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

- 6.9 On the 12<sup>th</sup> of November 2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. This includes Policies of the more recently adopted Housebuilders Design Guide SPD.

## 7.0 PUBLIC/LOCAL RESPONSE

### *The applicant's statement of community involvement*

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to their submission. The applicant posted an information flyer and questionnaire to approximately 74 local addresses, including those living in 'phase 1' of the development, which gave details of the proposal.
- 7.2 In total 11 responses were received, some using the questionnaire and others written submissions. Predominantly comments on the development were in the negative with most respondents (86%) believing the site should not be developed. Feedback on specifics of the proposal were limited.
- 7.3 The applicant has responded to each of these points. Their responses are contained in their submitted Statement of Community Involvement and are to be considered where relevant within this assessment although it should be noted that the proposal has since been amended on the request of officers.

### *The planning application's public representation*

- 7.4 The application has been advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement. Following the principal amendments to the application it was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. The final amendments were not re-advertised, as they were deemed minor in scale and in direct response to concerns raised.
- 7.5 The end date for the second period of advertisement was the 8<sup>th</sup> of February 2022. Across the two public representation periods a total of 17 public representations were received. The following is a summary of the comments received:
- No details on construction traffic arrangements have been given. Access through phase 1 for construction traffic is not appropriate, due to having a play area and children.
  - More traffic through phase 1 will harm highway safety and more traffic calming is needed.
  - Planting for phase 1 has not been done, therefore concerns that it will not be done as part of phase 2.
  - The public space for phase 2 is a 'glorified' access route. The site should include dedicated play facilities.
  - The Swallow Lane junction is heavily parked so has poor visibility. The pedestrian access should be a second vehicle access.
  - Neither phase 1 nor phase 2 have a footpath, requiring people to walk on the carriageway. Whilst not in contravention of design standards, good practice shows where suitable width pavements cannot be provided, traffic flow should be minimised, and provisions placed to lower speeds.



- The transport statement references 19 properties, not the amended 22. The Design and Access Statement is also out of date. This should be updated and re-advertised.
- Visitor parking conflicts with the refuse vehicle turning circles.
- Affordable housing being only market reduced housing (Starter Homes / First Homes) is not appropriate. The S106 should be uploaded. Developer profits should be sufficient to pay all required contributions.
- Concerns of overshadowing / overlooking / overbearing upon neighbouring properties, harming their amenity. Plots 19 – 22, including their garages, are on higher ground levels, exacerbating this and some neighbouring properties are notably close to the shared boundary.
- The plans are unclear on how the boundaries will be treated and where planting will be located, with plans being inconsistent.
- The proposal will harm local infrastructure, including schools and doctors.
- Swallow Lane is a busy road.
- Concerns that tree removal will harm shared boundary walls.
- Bins are to be stored next to neighbouring properties, which will cause odour and vermin.
- Bats are known to roost in the area and are active in season.
- Request for an access to be provided to the rear of units fronting onto Swallow Lane.
- The materials on the plans are unclear and should include an improved key.

7.6 The site is within Golcar Ward. No comments have been received from local ward members.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways: Expressed initial concerns and objections to the layout. Provided advice and feedback to officers and the applicant which was incorporated into the proposal. Based on the final design, no objection subject to planning conditions.

K.C. Lead Local Flood Authority (LLFA) Initially sought further details upfront. Post amendments Senior Drainage Officers reviewed that submitted and were satisfied that there were no prohibitive concerns. Subject to appropriate conditions being imposed, the LLFA offers no objection.

Yorkshire Water: No objection subject to condition.

### **8.2 Non-statutory**

K.C. Designing Out Crime: Has provided advice and feedback on the proposal, including on grounds outside of the scope of planning (i.e. door security standards) which have been provided to the applicant.

K.C. Ecology: Accepted the survey and assessment of the site's ecological value. No local ecological harm was identified, subject to appropriate mitigation and enhancement via condition. However, the proposal, as originally submitted, included no Ecological Net Gain calculations. These have since been provided and accepted.

K.C. Education: Have reviewed local school capacity in the context of this proposal and identified a required contribution of £37,233.

K.C. Environmental Health: No objection subject to conditions being imposed.

K.C. Landscape: Have provided advice and feedback on securing high quality landscaping around the site. This has been demonstrated but requested a condition to secure appropriate landscaping and ongoing management. Also provided advice on Public Open Space and have calculated a required off-site contribution of £36,645.

K.C. Strategic Housing: Confirmed that the proposed development requires four affordable homes and confirmed that the size and location of these proposed appropriately responds to local needs. In terms of tenure, two affordable rent and two intermediate tenure is compliant with policy.

K.C. Trees: Confirmed that no trees on site benefit from, or warrant, a Tree Preservation Order. Expressed concerns over the level of tree loss and limited re-planting. During the application the amount of tree removal has been reduced and the amount of new tree planting on site increased.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

## **10.0 APPRAISAL**

### Principle of development

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

## *Land allocation*

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report 2020/2021 (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The application development principally falls within (part of) housing allocation HS152 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. An area of unallocated land (circa 0.15ha) has also been incorporated into the development area. The residential development of a housing allocation is welcomed, and there are no in-principle issues with residential development on unallocated land. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 LP7 and Principle 4 of the Housebuilders Design Guide (HDG) SPD require development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS152 is expected to deliver 49 dwellings.
- 10.5 The development of HS152 has been split into two phases, with this application representing the second phase (plus an additional 0.15ha of unallocated land). The first phase has been built out, under application 2017/93459, which approved 19 dwellings. With the proposed 21 units the allocation (incorporating the unallocated land, for simplicity) would deliver 40 units which is a housing density of 25.6 dwellings per ha.
- 10.6 This figure is notably below the Local Plan's target. However, several factors must be considered. Phase 1 was assessed prior to the adoption of the Local Plan and therefore a target density of 35dph was not adopted policy (although the publication draft Kirklees Local Plan did carry weight at the time of the decision). Taken in isolation, phase 2 achieves a density of 28.3 dwellings per ha. While still below the target, being a smaller site surrounded by development on 3 sides, with some of the neighbouring dwellings having windows unusually close to the boundary, alongside topographical issues and respecting the character of phase 1, there are constraints on achieving a higher density. These constraints will be considered further where relevant within this report.

- 10.7 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). In this case, the proposal includes a mix of detached and semi-detached units, with one terraced row (of 4 units), with the following mix of unit types:
- Three-bed: 12 (57.2%)
  - Four-bed: 7 (33.3%)
  - Five-bed: 2 (9.5%)
- 10.8 Weighing Policies LP7, LP11 and Principle 4 of the Housebuilder Design Guide's requirements against the constraints and relevant planning history, officers do not raise concerns over the housing mix or forms proposed. The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, assessed below.

*Sustainable development and climate change*

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

## Urban Design

- 10.13 Relevant design policies include Policies LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*. These policies are supported by various Principles outlined within the Housebuilders Design Guide (HDG) SPD, which will be considered where relevant.
- 10.14 At present the site is a mostly vacant greenfield land, with a small modern industrial shed to the north and sporadic outbuildings around elsewhere. The removal of these structures is not opposed, as they are deemed to either have a neutral impact on, or harm, the attractiveness of the area. The western half of the site appears to have been used as informal garden associated with a neighbouring property, with the remainder vacant. The site is enclosed on three sides by development, although the southern edge is agricultural fields in the designated Green Belt. While the change from open land to built development would be readily evident, being surrounded by development on 3 sides and not projecting beyond the established urban boundary, the impact would not be unduly prominent when viewed from any direction, near or far, and the visual loss of the land as green space is not opposed.
- 10.15 Considering the layout of the development, and how it fits into the established environment, the proposed development would be accessed via the existing road through phase 1, which itself connects to Swallow Lane. Phase 1's road was designed with this prospect in mind and currently ends at the shared boundary between the phases. The new road would be continued through the site, before branching into several culs-de-sac / turning areas with dwellings positioned around. The urban grain of the area, the pattern of development and dwellings, is varied. While Swallow Lane is largely fronted by terrace rows, there are branching side streets with modern suburban patterns of residential development. The proposal would reflect these side streets, which is a reasonable response to the pattern of development in the area.
- 10.16 Active frontages have been achieved to provide an attractive and engaging streetscene. Blank side facing walls onto public realm are kept to a minimum. The 'Barbridge' house type, which has an active side elevation, has been used on key corner plots to add interest. While parking is predominantly located to the front of dwellings, side parking has been achieved on important corners which, along with good landscaping and short runs of housing, will prevent the development appearing overly dominant by parking. Garages are set back and not overly dominant. Overall, the development follows the design patterns established within phase 1 and these suburban streets, which is deemed appropriate, comply with the guidance of HDG SPD Principles 5 and 12.
- 10.17 It is noted that the land to the south is allocated as Green Belt and the proposal would bring built development close to the boundary. The NPPF establishes a general principle for protecting the openness of the Green Belt, however neither the Local Plan nor NPPF specify strict separation requirements for development on land adjacent the Green Belt. Principle 8 of the HDG SPD requires that *'transition from urban to open land should be carefully considered*

*where development is located on the edge of the urban area'*, although it does not specifically reference the Green Belt. Nonetheless, in local settings development being adjacent to the Green Belt boundary is not unusual and there are numerous examples of similarly close relationships elsewhere in Golcar. Accordingly, there is deemed to be no undue harm to the Green Belt through the proposed layout, nor is it considered contrary to HDG SPD Principle 8.

- 10.18 The appearance of the proposed dwellings follows the design thread of phase 1, with several of the same house types being used. All units are two storeys, which is appropriate for the area, and are of a comparative scale. Roof forms are varied which harmonises with the pattern of the area, and there is no prevalence of roofs following land contours to tie into. Fenestration replicates established sizes and patterns, with the proposed dwellings having a typical Pennine vernacular which would harmonise well with the surrounding development. Five different unit types are proposed, which is deemed reasonable diversity for a development of this size. The predominance of semi-detached units, with less terraced and detached units, is considered appropriate within the context of the wider area. The architectural form and appearance of the units are considered acceptable, in compliance with policy LP24 of the KLP and the guidance of Principles 14 and 15 of the HDG.
- 10.19 Materials are to be artificial stone with render as a secondary material. Roof tiles are to be grey concrete. The applicant has stated that materials are to be the same as those approved and used on phase 1. The continued use of the same materials is compliant with Principle 13 of the HDG SPD and may be secured by condition.
- 10.20 Policy LP33 of the KLP establishes a principle against the loss of trees of significant amenity value, with further guidance given by Principle 7 of the HDG SPD. At present the site hosts numerous trees, with many to be felled as part of the proposal. There are no trees benefiting from Tree Preservation Orders within the site or on neighbouring land, with many being in a poor state. K.C. Trees have reviewed the proposal regarding trees and conclude none of the trees are of public or significant amenity value. Nonetheless, negotiations have taken place to retain as many of the trees on site as is practical, in the interest of good design. Of note, this includes several of the trees within the tree belt along the western boundary now being retained. The retention of these, and a methodology detailing how they will be protected during construction, is recommended to be secured via condition. Despite this, mitigation would be required to off-set the trees to be lost within the site. The revised NPPF (July 2021) introduces an expectation for all new streets to be tree-lined. However, given this postdates the submission and initial negotiations on this application and that the design principles established by Phase 1 does not include this, it has not been deemed reasonable to insist upon this. Nonetheless the applicant has sought to maximise tree planting within the development. This includes the tree-lined access path, new planting along the west boundary, and other sporadic tree planting around the site using standard trees (semi-mature). A detailed landscaping strategy has been submitted which details this, and is welcomed in principle; however, details of adequate ongoing management and maintenance are absent. Therefore, a condition for a fully comprehensive landscape strategy is recommended to ensure compliance with Policies LP24, LP32 and LP33 of the Kirklees Local Plan, and Principle 7 of the HDG SPD.

- 10.21 Boundary treatments include, between units and to most rear boundary's, 1.8m high timber fencing, which is acceptable. However, where rear boundaries front the public realm, boundaries are to be art-stone walls with timber panels, as per phase 1, which is consistent and considered an attractive feature. At present the south and west of the site has a low (circa 1.2m) natural stone wall separating it from neighbouring land. This is to be retained, with fencing erected behind it, which is a welcomed retention of a good quality feature. The retention of this wall is recommended to be secured via condition. Subject to this, officers consider the boundary treatment's design to be acceptable and in accordance with Principle 5 of the HDG SPD.
- 10.22 Policy LP20 of the KLP requires development to prioritise pedestrian and cyclist movements, with Principles 10 and 11 of the HDG SPD providing more detail on this. In terms of connectivity and pedestrian / cycle routes, opportunities are limited for the site as there is development to three sides and Green Belt fields to the south (there are no connecting PROWs within the fields). However, the site's primary opportunity has been taken; an area of Public Open Space with path is proposed to connect the site to Swallow Lane to the north. This is a welcome inclusion which would promote access into and out of the site for pedestrians and cyclists, being 3m wide. This would connect to a 2m wide footway along the frontage of Swallow Lane, enabling pedestrian sightlines and helping pedestrians on the street. No other open space is proposed within the site and there is a shortfall against standards. However, this is not unusual for a site of this size with that proposed deemed reasonable and would not lead to an unattractive site. The Public Open Space shortfall is recommended to be addressed via an off-site contribution (considered further in paragraphs 10.64 – 10.65). Accordingly, the development is deemed to comply with Policy LP20 of the KLP and Principles 10 and 11 of the HDG SPD.
- 10.23 There are no listed buildings within or near the site. The Golcar Conservation Area is sited circa 170m to the east and 90m to the south. By virtue of the distance and intervening structures and/or terrain, the proposal is not expected to impact upon the historic environment directly or indirectly.
- 10.24 The proposed works would notably change the character and appearance of the site, however the impacts of this would be limited. The proposed development is considered to be sufficiently well designed and it would result in an attractive continuation of the residential environment. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF, and the guidance of the HDG SPD Principles outlined above.

#### Residential Amenity

- 10.25 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Furthermore, the Housebuilders Design Guide SPD sets out several design principles to protect amenity, which will need to be considered when assessing a proposal's impact on residential amenity. These are further supported by policies outlined within Chapters 12 and 15 of the NPPF.

- 10.26 There are residential properties with facing windows closely spaced to three of the site's boundaries, which has been a contributing constraint in the proposal's design.
- 10.27 To the north of the site is the terrace row comprising nos. 95 – 117 Swallow Lane. These existing units have relatively small gardens which separate their rear walls from the application site. The proposed dwellings, specifically plots 13 – 17, would back onto these units at distances between 20.5m – 21m to their original rear elevations, with several dwellings having rear extensions further reducing the separation distance.
- 10.28 The HDG SPD Principle 6 seeks a minimum of 21m facing distance between dwellings on level ground, which would not be achieved in several places. The SPD does allow for lower distances where design solutions have been incorporated which reduce the impacts. Beyond boundary fencing, which would limit impacts of overlooking between facing windows, no specific design solutions have been incorporated to justify this shortfall. Therefore, careful consideration has been given to the impact of the distance shortfall upon these residents.
- 10.29 The proposed layout has been reached following thorough consideration of the site's constraints and the need to deliver an effective and efficient development. The small garden sizes of nos. 95 – 117 Swallow Lane (typically sub 4m in length) do put pressure on the application site, through having to incorporate most of the separation distance in the gardens of new dwellings, leading to larger than typical gardens and pushing units within the site together. In practise, the shortfall of up to 0.5m (to original walls) will be near imperceptible and have minimal impact upon the amenity of existing residents and is not considered to cause materially harmful overbearing, overlooking, or overshadowing impacts. For the neighbours with extensions, while further below the recommended 21m in the SPD, the extensions are predominantly single storey, so overlooking will be mitigated through the proposed boundary treatment. One dwelling has a two-storey extension, which will be 19.2m away from plot 14. Weighing the merits of the proposal, the separation distance, and the nature of the Swallow Lane terrace row, is not deemed an unusual separation distance for extended residential properties. There are no concerns regarding overbearing or overshadowing due to the distance, and on balance there is not expected to be a harmful loss of privacy or other harmful impacts. Overall, the separation distances proposed are concluded to not result in unreasonable harmful overbearing, overshadowing, or overlooking and would not harm the privacy of existing residents living within nos. 95 – 117 Swallow Lane.
- 10.30 To the east of the site are the dwellings of phase 1 (Century View), which are complete and occupied. Proposed plots 18 – 21 would back onto nos. 8 – 12 Century View. Plot 18 and no. 8 have an unusual arrangement, in that no. 8 Century View has a blank wall (bar non-habitable room windows) circa 1.5m away from the shared boundary. Given that no. 8 has no habitable room windows, there are no concerns of overlooking from plot 18. Plots 19 – 21 would be greater than 21m away from nos. 10 and 12, in accordance with the recommended minimums outlined in Principle 6 of the HDG SPD, although the Principle requires consider of whether differing ground levels require a greater distance. While they sit on land circa 2m higher, the separation distance is considered sufficient to prevent undue concerns of overlooking, overbearing, or overshadowing upon the residents of nos. 10 and 12.



- 10.31 Public representations have raised concerns regarding the garages at plots 18 and 21, which are adjacent to the shared boundaries of their rear neighbours and are also on higher ground levels. Plot 18's garage would be aligned away from the adjacent no. 8, and while it would be evident from the garden space it's not anticipated to cause materially harmful overbearing or overshadowing. For plot 21's garage, it would be 11.6m away from no. 10's rear wall. The HDG SPD's separation distances do not relate to outbuildings, with the structures proposed being smaller compared to dwellinghouses. Based on the proposed distances, while it is accepted that plot 21's garage will be prominently visible from no. 10's rear windows and their garden, notwithstanding the height difference, the relationship proposed is not considered materially harmful through overbearing or overshadowing to the residents of no. 10.
- 10.32 West of the application site are dwellings on Heathwood Drive. Nos. 25 – 29 Heathwood Drive would back onto the side, while the bungalow no. 22 Heathwood Drive presents a side elevation with habitable room windows. The proposed dwellings would have side elevations facing these units. Discounting extensions, all separation distances exceed the required minimums outlined within the HDG SPD and the new dwellings are not expected to cause harmful overbearing or overshadowing. It is recommended that side facing windows within these units are required to be obscured, via condition, to ensure no overlooking.
- 10.33 Boundary treatments associated with the new dwellings are to be erected along the west boundary, where it would consist of 1.8m high close boarded fencing. Being on the shared boundary, this fencing will be up to 5.5m away from the rear windows of the units on Heathwood Drive. While this will limit their outlook and change the setting of their gardens, fencing 1.8m in height is typical in residential areas, and it should also be noted that Planning Permission is not required to erect fencing up to 2m (other than adjacent to the road). Accordingly, the fencing is not expected to cause materially harmful overbearing or other harm to the amenity of residents. However, at the moment no fencing is shown to the ear of no. 29 Heathwood Drive. On the application site, the area would be private drive for plots 12 – 14. This would introduce a semi-public area adjacent to a private garden, with only a 1.2m high stone wall as a boundary. The applicant has agreed to approach the resident to discuss whether keeping it open or providing a fence is preferable. Either option would be acceptable from a planning perspective, however this is a welcomed compromise to involve the resident. The submission of a full boundary details may be secured via condition.
- 10.34 In terms of noise, although the proposed residential development would increase activity and movements to and from the site, a residential use is not inherently problematic in terms of noise and is not considered incompatible with existing surrounding dwellings.
- 10.35 Notwithstanding the above, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

- 10.36 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units. The sizes (in sqm) of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they are cited within the Housebuilders Design Guide (Principle 16) and provide useful guidance which applicants are encouraged to meet and exceed. All dwellings would be NDSS compliant, as set out within the table below table:

House Type	Number of units	Proposed (GIA, m <sup>2</sup> )	NDSS (GIA, m <sup>2</sup> )
Baycliffe – 3bed*	12	87.4	84
Banbury – 4bed	3	125.7	97
Barbridge – 4bed	3	154.9	97
Bentley – 4bed	1	150.4	97
Latchford – 5bed	2	180.7	110

\*Includes semi-detached and terraced variants.

- 10.37 Garden sizes are commensurate to the scale of their host dwellings as required by Principle 17 of the HDG SPD. All the proposed houses would benefit from being dual aspect, allowing for thermal regulation and varied outlook. As considered previously, certain units are below the typical minimum separation distances to neighbouring 3<sup>rd</sup> party dwellings, however this has been assessed within paragraph 10.29 and deemed acceptable. There are also examples of internal separation distances between units within the development falling below these standards. These shortfalls vary between 1m and 2m. However, the HDG SPD does acknowledge that appropriate design solutions can address this shortfall. In this case design solutions include the respective angle of dwellings to one another, intervening boundary treatments and window placements. These factors, combined with the minimal shortfall, are deemed sufficient to demonstrate that future residents would not suffer from unacceptable overbearing, overlooking, or overshadowing due to the proposed internal layout.
- 10.38 Car parking is well related to the dwelling which it serves, except for plot 21. While not ideal, this has been necessitated by the constraints of the site along with securing a reasonable density. Ultimately the detachment is not so severe to cause material harm to the amenity of future occupiers of plot 21.
- 10.39 Public Open Space of 526sqm would be provided on site and help contribute to the amenity of future and neighbouring residents. This would take the form of a narrow connection to Swallow Lane and, while it would offer greenery and be visually attractive, would have limited function as destination open space. The residents would however have access to the POS on Phase 1 and are adjacent to the rural environment. Of note there are two play areas within a short walk (off Manor Road and Scapegoat Hill) that are accessible to residents. Therefore, the shortfall is not considered to prejudice resident's amenity standard. However, the shortfall is below the policy required on-site contribution, calculated in accordance with Local Plan policy LP63 and the

methodology set out in the Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. To offset this shortfall a contribution of £36,645 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of the on-site open space.

- 10.40 To summarise, the proposed development is considered not to result in undue detriment to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

#### Highways

- 10.41 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. The Highways Design Guide SPD outlines expected standards for new developments and their roads.
- 10.42 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe
- 10.43 First considering traffic generation and movements, the proposed development would use the access from Phase 1 onto Swallow Lane. Using the national TRICS database, at 21 dwellings the following car traffic generation is expected during the AM and PM peak hours.

<b>Phase 2 Movements</b>		
<b>Peak Hour</b>	<b>Arrivals</b>	<b>Departures</b>
AM	4	11
PM	10	6

For information, as they would use the same singular access road, the following is the combined movements for phase 1 (19 units) and phase 2 (21 units).

<b>Combined Phase 1 and Phase 2 Movements</b>		
<b>Peak Hour</b>	<b>Arrivals</b>	<b>Departures</b>
AM	7	21
PM	18	12

- 10.44 Individually and combined, these are deemed to be a reasonably low levels of traffic movements which would not have a notable or detrimental impact upon the capacity of the local network. This is giving due regard to other potential nearby developments. Reviewing the collision record, the Transport Assessment referenced two incidents noted as part of the Phase 1 Transport Assessment. These were attributed to human error. A fresh review has taken place for incidents since the Phase 1 Transport Assessment and found no further incidents.
- 10.45 Progressing to the internal layout, the submitted road details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. Full technical details of the new road, to an adoptable standard, are to be sought via condition.
- 10.46 Notwithstanding the above, the Highway Authority has received complaints that vehicles are parking upon the access from Swallow Lane onto Phase 1 (which this development will utilise). This has also been reflected in the public representations received to this application. The parking is causing sight line issues for vehicles using the junction which is a cause for the concern. Given that this proposal will materially increase traffic using the junction, it is deemed reasonable and necessary to impose a condition for methods of preventing parking in this location. This is also deemed necessary for the new footpath along Swallow Lane where the pedestrian footpath connects.
- 10.47 All dwellings would have off-street parking compliant with the Kirklees Highways Design Guide, which is welcomed. Visitor parking is typically sought at one per four dwellings, with six proposed. This is over the expected minimum by one which does not raise concerns (six was secured when the scheme was for 22 units).
- 10.48 Considering alternative methods of travel, the site is well served by local amenities and public transport, enabling non-car access to local services and into Huddersfield town centre to access the wider region. Pedestrian connectivity has been considered previously, within paragraph 10.22. In summary, the pedestrian linkage of the site to Swallow Lane is welcomed and would promote pedestrian and cyclist movements. The provision of a 2m wide footway along the frontage of Swallow Lane would help pedestrian sightlines and support walkers on Swallow Lane and may be secured via a separate condition. Methods to prevent vehicles parking on the new footway will also be required. For cycle parking, many units benefit from garages. However, a condition requiring the provision of adequate cycle storage facilities for non-garage dwellings is recommended, to promote the use of bikes as an alternative method of transport. A condition is recommended for each unit to have an Electric Vehicle Charging Point (EVCP). Following the adoption of the Kirklees Highway Design Guide, Highways Development Management (HDM) no longer seeks to monitor Travel Plans on residential sites less than 50 units, such as this site (with both phase 1 and 2 combined are still below this threshold).

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

#### *Waste collection*

- 10.51 A turning head would be provided within the site, which has been demonstrated to be able to accommodate a refuse vehicle.
- 10.52 Dedicated waste storage areas have not been shown on plan; however, all units would have sizable rear gardens and access to their gardens. Therefore, there are no concerns that appropriate waste storage cannot be achieved. For waste collection, dedicated waste collection zones have been shown for each dwelling and communal collection points for dwellings served by a private drive. The provision, and thereafter retention, of these facilities may be secured by condition. Given the scale of the development, which would likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services would not access roads prior to adoption therefore appropriate arrangements must be considered and implemented.
- 10.53 The proposed development is considered to have acceptable refuse storage and collection arrangements, which can be managed without harming the safe and efficient operation of the highway, in accordance with LP21(f) and the guidance of Principle 19 of the HDG SPD.

#### Drainage

- 10.54 Policy LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF outline the required approach to considering flood risk. Assessing flood risk first, the site is within flood zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low risk). Given this, and the site has an area below 1ha, a dedicated Flood Risk Assessment was not necessary. The LLFA confirm they have no concerns regarding fluvial flooding.

- 10.55 Pluvial flooding relates to surface water flooding risk, which requires an adequate drainage strategy be in place. Policy LP28 of the Local Plan and Chapter 14 of the NPPF form the relevant policy context. A drainage strategy has been submitted and reviewed by the LLFA. The applicant has followed the hierarchy of drainage before reaching the proposed discharge into public combined sewer, at an acceptable 3.5l/s for a greenfield site. This arrangement has been reviewed by both the LLFA and Yorkshire Water and has been accepted. The LLFA had raised technical queries regarding the attenuation tank design, however these are minor points and there are no prohibitive reasons why an acceptable design cannot be reached. Accordingly, the LLFA are satisfied that these matters may be addressed via appropriate planning condition. The drainage system's indicative maintenance plan was deemed acceptable. For flood routing adequate information has been provided for the LLFA to determine, in the event of an exceedance event, water would flow onto the development's road and onto phase 1's road before reaching Swallow Lane. This is reasonable and appropriate.
- 10.56 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.57 Foul water from the proposed development would discharge to the existing combined sewer. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.58 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

#### Planning obligations

- 10.59 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

#### *Affordable Housing*

- 10.60 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 21 units would be 4 units (rounded). This has been offered by the applicant.
- 10.61 Tenure is proposed to be two 'starter homes', a form of intermediate tenure, and two 'social rent', a form of affordable rent. This split complies with the Council's Interim Affordable Housing Policy, which seeks 55% affordable rent, and 45% intermediate tenure.

- 10.62 The offered units are all 3-bed units. This has been considered by K.C. Strategic Homes, who consider this reasonable based on local housing needs. In terms of quality, the house type proposed is the same as market units and there are no concerns over its quality. All four affordable units are proposed alongside each other. It is not considered necessary to spread the units around the site, given the scale of the development. Furthermore, a key function of 'pepper potting' is to improve social cohesion, however these units are centrally located and ideally located in the site.
- 10.63 A S106 is proposed, to include a clause, requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of LP11 of the Local Plan and the Council's Interim Affordable Housing Policy.

#### *Public Open Space*

- 10.64 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.65 The application proposes 526sqm of on-site Public Open Space, with an offsite contribution of £36,645 agreed, which is in accordance with the Public Open Space SPD. The contribution is recommended to be secured within the S106 and would be spent within the local area. This is considered appropriate to comply with policy LP63 of the Kirklees Local Plan.

#### *Education*

- 10.66 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. While this proposal falls below 25 units in isolation, it forms phase 2 of a larger development which cumulatively exceeds 25 units. Therefore, giving due regard to LP5 and master planning principles, it has been deemed reasonable to seek an education contribution.
- 10.67 The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions would only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.68 K.C. Education have considered local primary provision (Golcar Junior Infant and Nursery) and secondary provision (Colne Valley High School). Colne Valley High School was identified as being above capacity and a contribution would be required to address this. The contribution has been calculated as £37,233 and agreed with the applicant.

### *Biodiversity*

- 10.69 In accordance with policy LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.70 As set out within paragraph 10.81, an off-site contribution is expected for this site, valued currently at £7,245 to provide 10% net gain. This figure has been agreed with the applicant.

### *Management and Maintenance*

- 10.71 It is recommended that the S106 agreement include terms for the provision of long-term maintenance and management of the surface water drainage features (until adoption) and the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets.

### Other Matters

#### *Air quality*

- 10.72 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.73 Notwithstanding the above, in accordance with local and government guidance on air quality mitigation, it is reasonable to seek methods to mitigate air quality harm. Given the scale and nature of the development officers seek the provision of suitable electric vehicle charging points (EVCP) at the rate of one per dwelling. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.74 The applicant has provided a plan showing 1 EVCP per dwelling, which is welcomed. However, no technical specifications have been provided to demonstrate a suitable standard would be installed. The provision of 1 per dwelling, of a suitable standard, may be secured via condition.
- 10.75 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

### *Contamination*

- 10.76 The site is not within a Coal Referral Area, nor are there historic indicators of contamination. Nonetheless, all major residential developments are required to be considered for general ground contamination. The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health.



- 10.77 The Phase 1 has been accepted; however, the Phase 2 provides inadequate assessment for Environmental Health to support the conclusion. Specifically ground gas has not been appropriately considered. Accordingly Environmental Health recommend conditions relating to further ground investigations and a scheme of remediation, if needed. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

#### *Crime Mitigation*

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

#### *Biodiversity*

- 10.79 Policy LP30 of the KLP and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, require that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.80 The application is supported by a Preliminary Ecological Appraisal (PEA). It identifies that no site-specific surveys are required and offers an offers sufficient detail for K.C. Ecology to assess the proposal. The report outlines that with the implementation of mitigative measures, no significant ecological impacts are anticipated because of the development. This is accepted by K.C. Ecology, who request that these mitigation measures are secured via condition which officers recommend.
- 10.81 While no harm would be caused, all developments are expected to demonstrate a net gain to ecology. Net gain is measurable using the DEFRA Biodiversity Metric, allowing for the degree of change in biodiversity value to be quantified. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net loss of 0.16 ecological units on site. With a desired 10% net gain, this level of ecological unit loss would necessitate an off-site contribution of £7,130, to be spent on enhancements in the local area by the Council. This figure has been reported to the applicant and agreed. Subject to this being secured within the S106, alongside a condition for a Biodiversity Enhancement Management Plan (BEMP) to secure the provision of the habitat units identified on site, officers and K.C. Ecology consider the proposal to comply with the aims of LP30 of the Kirklees Local Plan and guidance of Principle 9 of the HDG SPD.

## *Minerals*

- 10.82 The site is within wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with LP38.

## *Permitted Development*

- 10.83 The proposal has been assessed against the submitted plans. If built, the proposed development would benefit from Permitted Development rights for extensions and outbuildings. A condition removing permitted development rights for extensions and outbuildings from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree, and dwellings which back onto neighbouring dwellings, to prevent overlooking or overbearing.

## Representations

- 10.84 A total of 17 representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed

- No details on construction traffic arrangements have been given. Access through phase 1 for construction traffic is not appropriate, due to having a play area and children.

**Response:** A Construction Management Plan is to be secured via condition. Access through phase 1 is the only realistic approach, however these constraints will need to be acknowledged and addressed by the developer within their CMP.

- Planting for phase 1 has not been done, therefore concerns that it will not be done as part of phase 2.

**Response:** A condition is to be imposed requiring the planting to be provided and will be monitored by the Planning Compliance team.

- The public space for phase 2 is a 'glorified' access route. The site should include dedicated play facilities.

**Response:** The shape of the land limited options, however the connection to Swallow Lane is considered valuable for pedestrian connectivity. Having a green path is a welcomed feature that adds to its attractiveness. Given the size of the development dedicated play facilities is not deemed reasonable or necessary, however the proposal does include a contribution to include nearby facilities.

- The Swallow Lane junction is heavily parked so has poor visibility. The pedestrian access should be a second vehicle access.

**Response:** A condition is proposed to improve this situation. The proposed pedestrian access has insufficient space and could not provide adequate sightlines to be an acceptable vehicle access.

- Neither phase 1 or phase 2 have a footpath, requiring people to walk on the carriageway. Whilst not in contravention of design standards, good practice shows where suitable width pavements cannot be provided, traffic flow should be minimised and provisions placed to lower speeds.

**Response:** Phase 1 and Phase 2 have been designed with a 'shared surface' road, which does not include 2m wide footways. The road is considered acceptable for shared usage and there are no concerns of undue traffic speeds based on the design shown.

- The transport statement references 19 properties, not the amended 21. The Design and Access Statement is also out of date. This should be updated and re-advertised.

**Response:** Amendments through the planning process are to be expected. Given the minor change, which would not have a material change on traffic demands, updated reports were not required. Notwithstanding this, K.C. Highways have considered the proposal on the basis of 21 units and determined it to be acceptable.

- The proposal will harm local infrastructure, including schools and doctors.

**Response:** There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, K.C. Education have considered local school capacity and concluded that a contribution of £37,233 is required to support local schools.

- Concerns that tree removal will harm shared boundary walls.

**Response:** A condition is recommended requiring the trees to be kept have an arboricultural method statement which details their protection. However, several trees adjacent to the stone wall will be removed. A condition is recommended requiring that the stone wall to the south and west is retained, to protect the wall. Also, any damage of a party wall would also be a private matter between interested owners.

- Bins are to be stored next to neighbouring properties, which will cause odour and vermin.

**Response:** The areas referred to a bin collection points and will be kept out for a minimal period. Furthermore, as residential waste, subject to frequent collection they are not expected to cause odour or attract vermin.

- Request for an access to be provided to the rear of units fronting onto Swallow Lane.

**Response:** This request from residents was given to the applicant, who confirmed they have no right of access. As this is a private matter between landowners, it does not form a material planning consideration.

## 11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks residential development on a housing allocation. While the proposal does fall below the Local Plan's target density of 35 dwellings per hectare and does not achieve the allocation's indicative capacity, the layout of the development is considered a logical response to the site's constraints. The proposal has achieved a good mixture of housing types. Accordingly, the principle of development is acceptable.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue material harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and trees, have been addressed through the proposal.
- 11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 4 affordable units, and open space, with 526sqm on-site Public Open Space and £36,645 off-site contributions to enhance local facilities, in line with policy. Biodiversity and education contributions are also secured to mitigate the impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Materials to be the same/match those used in phase 1.
4. Full details of boundary treatments to be submitted and thereafter erected in accordance with details approved.
5. Retention of stone wall to the south/west of the site.
6. Submission of Landscape Strategy.
7. Arboricultural Method Statement to retain identified trees/protect trees during the course of construction.
8. Side facing windows for plots 9, 12, 13 (on west boundary) to be obscurely glazed.
9. Submission of Construction (Environmental) Management Plan.
10. Submission of Construction Management Plan.
11. Swallow Lane frontage footpath to be provided, with details to be submitted and approved.
12. Highways Condition Survey.
13. Methods to prevent parking on Swallow Lane, phase 1 junction and new footway.
14. Submission of details of road to adoptable standard.
15. Cycle storage details.
16. Bin collection areas to be provided and retained.
17. Submission of waste collection strategy for the construction phase.
18. Submission of suite of Contaminated Land Reports (further ground investigations and a scheme of remediation).
19. Details of temporary surface water drainage arrangements, during construction.
20. Surface Water Drainage Strategy.
21. Provision of Electric Vehicle Charging Points for all dwellings, to appropriate standard.
22. Development to be carried out in accordance with Ecological Mitigation Measures.
23. Submission of Biodiversity Enhancement Management Plan (BEMP).
24. Remove permitted development rights for extensions and outbuildings for specified dwellings (plots).

### **Background Papers**

#### Application and history files

Available at:

[Link to application details](#)

#### Certificate of Ownership

Certificate B signed. Notice served on two individuals.

[Link to planning application details for Phase 1:](#)

[Link to application details](#)