
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 28-Apr-2022

Subject: Planning Application 2021/93286 Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA

APPLICANT

Barratt Homes Yorkshire

West Division

DATE VALID

19-Aug-2021

TARGET DATE

18-Nov-2021

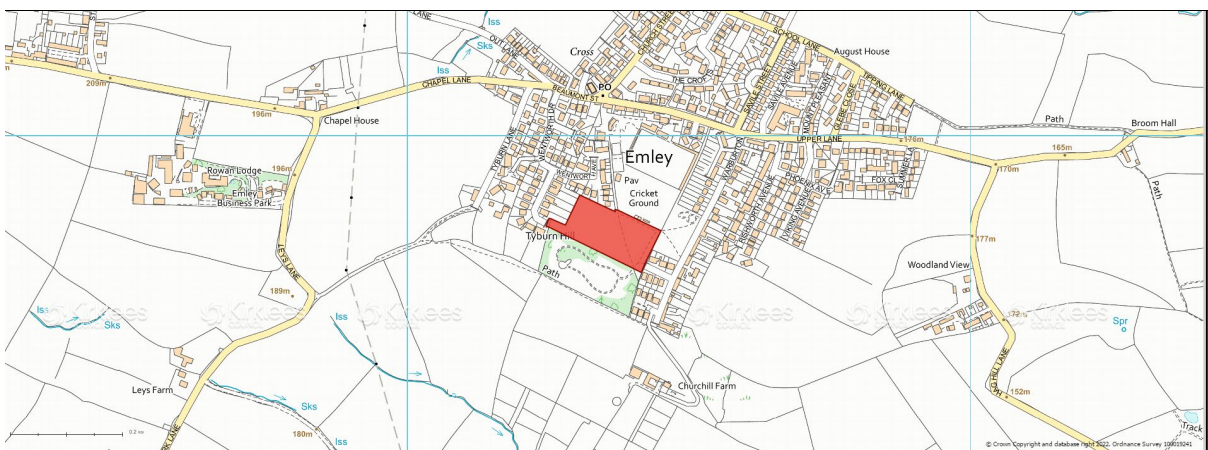
EXTENSION EXPIRY DATE

21-Mar-2022

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

[Link to Public speaking at committee](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Denby Dale

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 include the following matters:

- 1) Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.
- 2) Open space – A reduced sum of £44,006 towards off site provision.
- 3) Education – £78, 891 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
- 4) Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)
- 5) Management – 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).
- 6) Biodiversity - £77,970 contribution towards off-site provision to achieve biodiversity net gain.
- 7) Traffic Regulation Order – £7,000 contribution

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 a Reserved Matters application for a residential development of 41 dwellings. The applicant seeks approval of all matters previously reserved, namely appearance, landscaping, layout and scale.
- 1.2 Outline planning permission for residential development was granted on the 24th June 2021. All matters were reserved other than access. The application (ref: 2020/91215) was considered by Heavy Woollen Planning Committee on the 10th June 2021.

- 1.3 The current application is presented to the Heavy Woollen Committee as the previous application was, at the request of members and the agreement with the Chair.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.18 hectares in size. The majority of the site is allocated for housing in the Local Plan (site allocation ref: HS137), however a small part of the site (approximately 60sqm, at the terminus of Wentworth Drive) is outside the site allocation.
- 2.2 To the north of the application site are residential properties on Wentworth Avenue and a cricket ground which is designated as urban green space in the Kirklees Local Plan. To the east is a recreation field and residential properties on Green Acres Close. To the south is Emley's Millennium Green, most of which is in the green belt. To the west are residential properties on Wentworth Drive.
- 2.3 The application site is greenfield and is relatively flat, along with the adjacent land. The public footpath DEN/21/20 runs at a diagonal across the site from North to South, connecting Wentworth Drive to the Millennium Green and Green Acres Close. DEN/96/10 also runs adjacent to the Eastern boundary.
- 2.4 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site.
- 2.5 The application site is not within or close to a conservation area. The site includes no listed buildings, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within walking distance of the site. The site also has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding public open space, and from public footpaths.

3.0 PROPOSAL:

- 3.1 The applicant seeks Reserved Matters consent in relation to appearance, landscaping, layout and scale, following the approval of outline permission (with details of access) in 2021.
- 3.2 41 dwellings are proposed, comprising of 22 detached dwellings, 10 semi-detached dwellings, 3 terraces and 6 residential flats. All units would be two storey in height and would provide adequate off street parking. Small areas of open space would be provided along the PROW (DEN/21/20), with an informal footpath also being proposed to the North East, in order to make a connection to Warburton Recreation Ground. Street trees are proposed around the internal highway.
- 3.3 The 41 units would comprise of six 1 bedroom, twenty five 3 bedroom and ten 4 bedroom dwellings. Six distinct house types are proposed.
- 3.4 Six affordable units would be provided, to be managed and operated by a registered housing provider. These have been secured in the S106 agreement as part of the previous Outline application.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 *On the application site:*

2022/90137 Discharge of conditions 13 (coal legacy), 17 (remediation), 18 (unexpected contamination), 19 (validation report), 20 (electric vehicle charging), 21 (arboricultural impact assessment and method statement), 24 (baseline ecological value), 25 (ecological design strategy) and 29 (noise report) of previous outline permission 2020/91215 for erection of residential development – Pending consideration.

2020/91215 - Outline application for erection of residential development – Section 106 outline permission granted.

2019/90380 – Outline application for erection of residential development and associated access – Refused and the appeal dismissed.

99/91668 – Formation of grass full-size practice pitch and all weather training/fitness surface with associated lighting and formation of Millennium Green – Refused and the appeal dismissed.

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

5.1 A number of concerns have been raised by officers as part of the decision making process which have been identified below:

- The number, size, scale and design of the dwellings proposed.
- The diversion of the PROW.
- The need for an increased ball strike net.
- Details regarding POS and Biodiversity net gain.
- The requirement of additional visitor parking spaces.
- To amend the Amber house type.
- Amendment to reflect the right sizes of the detached garages.

5.2 In light of the above, the applicant has provided amended plans in order to overcome the concerns raised.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 The site is allocated for housing in the Local Plan (site allocation ref: HS137). The site allocation relates to 1.28 hectares (gross and net site area), sets out an indicative housing capacity of 44 dwellings, and identifies the following constraints:

- Potential third-party land required for access
- Public right of way crosses the site
- Limited surface water drainage options
- Part/all of site within a High Risk Coal Referral Area

- 6.3 The site allocation also identifies the following site-specific considerations:
- Development on the site shall ensure access to the Millennium Green is retained
 - The public right of way shall be retained

6.4 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Master planning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- 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
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- 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
- LP53 – Contaminated and unstable land
- 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 Guidance / Documents:

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide 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
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Highway Design Guide (2019)

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 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
 - Chapter 16 – Conserving and enhancing the historic environment
 - Chapter 17 – Facilitating the sustainable use of materials.
- 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 16th 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 12th of November 2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development, which entailed four site notices on each boundary of the site, neighbour notification letters to residents in which adjoin the sites red line boundary and a press advert.

7.2 As a result 221 representations have been received, in response of the councils consultation. These have been published online. The following is a summary of the concerns/objections raised, which will be addressed in more detail within the report:

Visual amenity

- Concerns regarding the size of the development.
- The development would not be in keeping with the surrounding built form.
- Overdevelopment of the site – including density concerns (35 dwellings per hectare).
- The 18m high ball strike fence will be unsightly and will not completely eradicate cricket balls hitting the new houses and gardens, leading to a fatality.
- The cricket net will be an eyesore.
- The proposal would have an overbearing impact on the Millennium Green, with no access to allow for proper maintenance.
- Concern regarding the visual impact of the 2.5 storey dwellings.
- Style of housing needs addressing as discussed previously, low cost apartments are not in keeping with the development and need to be upgraded as per Kirklees recommendations. These low cost starter homes are more in keeping with the village and could provide local young people with homes near their work and families.
- The plots are not very well spaced.
- The proposed development is incongruous with the local area. The intensity of this development and policy failures within the submission offer no benefits to the village or its people.
- Concerns over the house types provided i.e lack of bungalows and the flat/apartments are not in keeping with the area.

Residential amenity

- Concerns on existing and proposed neighbouring amenity in terms of overlooking, overshadowing and overbearing.
- Noise, disturbance and odour implications for existing residential properties.
- Loss of a view for existing residents.
- Some of the separation distances do not comply with the guidance identified within the Housebuilders Design Guide SPD.
- The plans are deliberately contravening building specifications/recommendations (adopted by Kirklees) in every aspect to cram in more houses than what is right for the residents living space and some natural growth.

Highway safety and parking

- The lack of/shortfall of adequate parking provision will impact surrounding residential areas.
- The plans are short of 19 spaces on the design guidelines.
- There is no space for larger vehicles including emergency vehicles.
- There is no space for visitors.
- The garages are too small to park a modern car.
- There is limited public transport in the village.
- Concerns regarding the access from Wentworth Drive to Chapel Lane and from Wentworth Drive to Beaumont Street Junction is very hazardous.
- Building work will require many hundred more large vehicles at this junction.
- No further traffic surveys have been submitted as part of the Reserved Matters application.
- Barrett's are using an outdated traffic survey that was completed in Lockdown, so do not offer a realistic view of the volume of traffic that the passes through village.
- Concern regarding heavy vehicles using Wentworth Drive to access the site.
- A traffic survey was recently undertaken by residents in which is significantly different to the one produced by Highstone in terms of vehicular movement.
- The roads will need to be maintained more by the council.
- The residential properties should have at least 2 parking spaces per household.
- There are existing parking issues within the village in which will be intensified by this development.
- The five remote visitor parking spaces could attract criminal activity.
- The pedestrian access from Green Acres Close will attract people to parking on neighbouring streets.
- Where will parking be provided for the workers?
- There are no cycle lanes
- There appear to be unanswered questions on the validity of access into the site and the validity of the s40 Highways Agreement dated 6th April 1979 and its bearing on ransom strips adjoining the development site.
- The back to back dwellings have insufficient parking spaces and no visitor spaces.
- Insufficient drives (too small)
- The parking bays are not long enough.
- Concern regarding the diversion of the PROW.
- The site will be reliant upon motorised vehicles rather than the bicycles in which Barratts have described.

Affordable housing

- The affordable dwellings are not distributed equally throughout the site. There is inadequate parking and outdoor space for these units.
- Affordable dwellings should offer 2 bedroom town houses with private gardens which reflect more the needs of the local population.

Public right of way

- The plans have not considered the current application for the adoption of the footpath which runs to the south side of the cricket field.
- The public right of way crosses the road, which is surely a risk to the public.
- The PROW should not be blocked by cars.
- Concerns regarding the useability of the PROW for disabled users.
- There is no plans to upgrade the footpath than runs within the site to the centre of Emley.
- The public footpath which enters the site from the recreation ground off Warburton should be provided with a hard surface and not squeezed into a narrow alleyway but given more room.
- Footpath DEN/21/20 is located in the centre of this proposed development we would ask that this footpath be upgraded to a multi-user bridleway thereby providing the path for a greater number of users. This path is likely to receive greater use by the public as a result of this development, as such the developer should be asked to provide an improved surface.

Cricket ball net

- The fence stanchions for the ball strike net are below the recommended 18m from Labsport.
- Taller nets are required.
- Noise implication for the cricket net.
- Further nets will be required to cover the attenuation tank and the space on the left towards the PROW.
- Who will pay for the maintenance of the ball strike nets?
- The information submitted regarding the cricket net does not comply with the requirements of condition 26 of the outline permission.

Ecology, wildlife and open space

- The development would lead to the destruction of the hedge and corridor for animals in which have been encouraged and nurtured by the Trustees of the Millennium Green.
- There are no network of pedestrian links to open spaces.
- The development would not accord with Policy LP30 ii of the Kirklees Local Plan and National Planning Policy Framework.
- Impacts on trees and the landscape, as the development would destroy a well-used green space within the village.
- There should be a wildlife corridor running through the site onto the Millennium Green
- The development does not provide a biodiversity net gain.
- A green buffer should be provided between the site and the Millennium Green, to ensure the retention of any existing trees.
- The developer should not be allowed to take out the existing trees/hedges abutting the Millennium Green.
- Limited information in respect of ecology.
- There is not enough open space within the site.
- The proposed plots are so close to the Millennium Garden that is will not be accessible for maintenance as is directed by a buffer zone, the area will be stifled by the new plots, the 'breathing space' will be lost through noise and traffic from the development.

- To protect these creatures (who are classified as vulnerable to extinction), a wildlife corridor should be left running the length of the Millennium green (from Green Acres Close to the proposed development access on Wentworth Drive) thus allowing them to safely forage/roam.
- The submitted plan does not highlight which types of open space are to be provided based on the types within the open space SPD. Open spaces are a key part of any successful development and offer opportunities to vary the street scene and create focal points for layout arrangements to help create a sense of space.
- Plot numbers 36 and 44 will directly impact the ground and root structure of many of these trees.
- Concerns regarding the impact on wild birds.

General concerns

- Current plans demonstrates that planners and proposers are using out of date standards to gain easy acceptance.
- Emley doesn't have enough facilities in order to accommodate additional houses.
- Health risks from poor air quality/air pollution.
- Too much hardstanding and not enough soft landscaping.
- The previous applications have been rejected by the majority of residents within the community.
- I am led to believe that there will be no education contribution.
- A condition should be proposed to restrict vehicular and pedestrian access from Green Acres Close for every day use by residents.
- Ground floor W.C's should be provided for disabled users.
- Inaccuracies in Barratts description statement about Emley village.
- Concerns regarding the impact on existing amenities.
- Have the issues regarding coal, sewerage and water issues been resolved?
- The impact on existing house prices will be devastating as a result of the new builds.

7.3 Denby Dale Parish Council: Object - due to the overdevelopment of the site, inappropriate design that is not in keeping with the area, lack of parking for the types of housing, lack of specified drainage details and figures.

Comment: These concerns have been noted and significant amendments and additional information have been sought in light of the above matters.

7.4 Ward Councillor comments:

Cllr Bamford: The site is overdevelopment and should refer back to 44 houses, which is more in keeping with the existing villages density. The street is overly dominated by car parking and I would like to see more planting to the front and parking to the sides. The provision for bins should be integrated to the rear of the property. The roof line does not fit into the locality especially the two and a half storey and the flats. There is a lack of visitor parking which could hinder refuse collection, with some of the properties having less parking spaces than what is recommended in the SPD. There needs to be a separation distance from the Millennium Green and I would like to see more public open space in the centre of the site, linking to the PROW. More detail on site drainage is required, along with details regarding a 10% net gain. Lastly, a construction

management plan should be provided, to give site hours, HGV routing and that the site is accessed via narrow roads especially around school times.

Comments: These concerns have been noted and significant amendments have been sought to reduce the number of units, alter their design, retain the PROW and improve POS. Additional information with regards to biodiversity, visitor parking spaces and refuse collection have also been received as part of the amended scheme.

- 7.5 As a result of the amendments sought, the application has been re-advertised to neighbours and objectors via a neighbour notification letter. Additional comments/concerns have been raised, which have been highlighted above and will be assessed in more detail within paragraph 10.73 of the report. Ward Councillors have also been informed of these changes providing no additional comments.

8.0 CONSULTATION RESPONSES:

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

8.1 Statutory:

Sport England – Objection withdrawn, as we are now satisfied that in terms of height and location, the proposed ball-stop netting is in line with the mitigation approach section of the Labosport report (ref: LSUK.20-0563) and therefore, by extension meets the principal requirement of condition 26 of outline permission 2020/91215. Subject to the imposition of conditions relating to the design of the netting and columns, and subsequent management and maintenance of the installed netting.

The Coal Authority – No objection, based on the professional opinions expressed in the Geoenvironmental Appraisal report which was submitted as part of the Outline application.

KC Lead Local Flood Authority – Officers confirm that the drainage proposals set out within the submitted Flood Risk Assessment (FRA) are acceptable. Furthermore, it is expected that the foul and surface water drainage system (including the attenuation tank and flow control device) will be offered for adoption by Yorkshire Water. However, the developer's proposal for the maintenance of the drainage system until adoption by YW should be submitted for approval to the LPA including a Maintenance Schedule and confirmation of the organisation who will be responsible for maintenance until adoption.

KC Highways DM: Given the outline planning approval these proposals are considered to be acceptable in principle to Highways Development Management (HDM). Further detail in regards to visitor parking, the connection to Wentworth Drive, refuse and vehicle swept paths, the width of the footways have also been submitted as part of this application and have been considered acceptable.

8.2 **Non-statutory:**

Yorkshire Water – No objection to the drainage proposals to discharge surface water from the site.

KC Trees – No objection to the principle of development, however, would suggest two conditions to be attached to the decision notice in the case of an approval. These should include the development to be constructed in line with the Arboricultural Method Statement.

KC Crime Prevention – Request that security measures are conditioned in the case of an approval.

KC Strategic Housing – There's demand for affordable 1-3+ bedroom homes in the area. The applicant has proposed 6 x 1bed flats in an apartment building, and 2 x 3bed homes. In a development of this size, wider scattering of the affordable units would usually be preferable, however a larger grouping of affordable units is determined, by 6 of the proposed 8 affordable units, being comprised of a 6x 1bed apartment building. Being the only 1beds in the development, does distinguish the affordable 1bed flats from the rest of the development in this regard. However with the above consideration noted, affordable 1beds are in need in the area, where there is a higher than usual rate of larger detached properties. In terms of materials used, landscaping, and other features where appropriate, the affordable housing should be indistinguishable from the rest of the development in terms of quality and design.

KC Education – Provided comments on the contribution required.

KC Ecology – No objections, subject to an off-site contribution and recommended conditions.

KC PROW – No objection to the final layout, given that the public footpath running directly through the site (DEN/21/20), would be retained. It is also noted that the attenuation tank which is adjacent to plot 20 shows a path annotated with the words 'informal footpath link connecting site to existing PROW and recreation ground'. The informal footpath link appears to continue with ease of access through a gap in an unfenced hedge to connect to the public footpath Denby Dale 96 which continues northeast through the cricket ground / recreation ground. This goes some way to addressing PROWs previous concern that there was no through route to the cricket/ recreation ground. However, PROW notes that this link is currently 'informal' and the applicant could consider formalising this footpath. Lastly, it should be noted that an application has been made for a Definitive Map Modification Order to record an additional public footpath (DMMO file ref 311). The route claimed appears to pass through the gardens of plots 14 to 20 and in the vicinity of the proposed 17m (high) ball strike net. PROW notes the new layout shows no path to be proposed at this location. PROW also advises generally that any grant of planning permission, if that happened, would not in itself divert or extinguish any public rights of way that may subsist but which are not currently recorded. To address possible future issues that may arise due to the DMMO application, the applicant may wish to consider applying to stop up and divert the claimed footpath onto an alternative route.

KC Environmental Health: No objection as comments have been provided on the discharge of condition application (2022/90137) in regards to remediation, unexpected contamination, electric vehicle charging points and a noise report.

KC Landscape – In support, however a contribution to off site POS would be required.

KC Highways Structure: In support, subject to conditions being attached to the decision notice in the case of an approval, to include location and cross sectional drawings of any new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highway and surface water attenuation pipes/manholes to be located within the highway footprint.

9.0 MAIN ISSUES

- Principle of development
- Quantum and density
- Sustainability and climate change
- Urban design issues
- Residential amenity
- Affordable housing
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Environmental and public health
- Sport England
- Representations
- Planning obligations
- Other planning matters

10.0 APPRAISAL

Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

10.2 The principle of residential development at this site has already been established. The application site is allocated for housing in the Local Plan (site allocation ref: HS137 formerly H358). Full weight can be given to this site allocation, and as noted above outline planning permission has been granted for residential development at this site.

Quantum and density

10.3 The Local Plan sets out a minimum housing requirement of 31,140 home between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.

- 10.4 Site allocation HS137 sets out an indicative site capacity of 44 dwellings which reflects the expectation of Local Plan policy LP7 that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Having regard to paragraphs 124 and 125 of the NPPF, given that allocated land in Kirklees is finite, and given the housing delivery target set out in the Local Plan, applicants should develop their sites as far as possible (having regard to all other planning considerations) to ensure that appropriate and optimal densities are achieved. The appropriate quantum and density for each site will, however, be partly determined by constraints, including those constraints identified by the council in site allocations, those that may be identified and evidenced by applicant when undertaking more detailed site analysis and design work.
- 10.5 The application seeks to provide 41 units, which would comprise of six 1 bedroom, twenty five 3 bedroom and ten 4 bedroom dwellings. This is a decrease in the number of units originally proposed at 49, which represented a cramped form of development, requiring 1.3 hectares of land (in order to meet the council's target of 35 dwellings per hectare). As such, final amended plans were sought to reduce the number of units to 41, in order to aid additional public open space, especially around the public footprint, whilst still providing an efficient use of land, in line with Policy LP7 of the Kirklees Local Plan. The revised layout also provides adequate distances between existing and proposed dwellings, includes adequate outdoor amenity space for each dwelling, makes space for water (attenuation and related easements are annotated on the applicant's drawings), and responds to the requirements of the council's Highway Design Guide SPD and the need to preserve the adjacent Millennium Green. Therefore, it is considered that the quantum and density is acceptable and not adversely affect visual amenity or the character and quality of the surrounding area.

Sustainability and climate change

- 10.6 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.
- 10.7 It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and the measures related to sustainable transport, that have been secured as part of the S106 on the original outline permission. Facilities available in Emley would enable residents of the proposed development to address at least some of their daily, economic, social and community needs, including a shop offering Post Office services, two churches, two pubs, a school, and sports and recreation facilities. The nearest bus stops to the site are located less than 400 metres along Upper Lane and within approximately 350 metres if residents were to utilise the public rights of way network, which provide a direct link to the centre of the village. It is therefore considered that there are a range of local facilities including education, health care and convenience shopping within the area surrounding that would be accessible by a range of modes other than the private car.

- 10.8 Regarding climate change, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. This has been secured as part of the previous S106 agreement on the Outline permission, which requires a contribution of £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling). Six cycle spaces are also identified on the proposed site layout plan, to show adequate provision for the occupiers of the flats. The provision of electric vehicle charging points are already required by condition 20 of the Outline planning permission ref: 2020/91215), which have been identified on the aforementioned site plan (Dwg no. P21:5463:01 Rev O).
- 10.9 Drainage and flood risk minimisation measures would need to account for climate change. These aspects will be considered where relevant within this report.
- 10.10 Overall, officers consider the development to provide sufficient mitigation measures in order to combat climate change and to improve sustainability within the site and the surrounding area.

Urban Design issues

Appearance & scale

- 10.11 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.12 More specifically, paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- 10.13 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.
- 10.14 Principle 5 of the Housebuilders Design Guide states, amongst other things, states that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

- 10.15 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:
- “Taking cues from the character of the built and natural environment within the locality.
 - Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
 - Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”
- 10.16 The application site is located at the edge of an existing, well-established settlement. Residential development exists immediately to the east and west of the site, and this means the proposed development would sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Emley. Although the proposed development would be visible from several public vantage points, its visual impact would not be significant or adverse in the context of the surrounding development already built. Green belt land to the south of the site would continue to provide green framing around the enlarged settlement, however, this would not be directly impacted upon. The urban green space to the north would also continue to provide relief in the form of an undeveloped green space between built-up areas, which are common features within settlements located within the countryside.
- 10.17 The proposed layout responds to the site’s shape and constraints, including one central road with private drives and shared surfaces adjoining it. The proposed layout is legible and logical, it allows for natural surveillance of the development’s areas of public realm (including the proposed small area of open space around the public footpath), and it minimises the visual impact of parked vehicles where possible.
- 10.18 Given the significant amendments sought, two storey dwellings are now proposed, which have been considered acceptable by officers, when taking into account the surrounding built environment, in which appears to be relatively low rise. A street elevation plan (dwg. no P21:5463:03 Rev G) to demonstrate the above has been submitted and considered acceptable by officers, as the proposed built form would blend in with the surrounding area and would not dominate the landscape.
- 10.19 Regarding architectural form, the proposed dwellings would have a typical, simple modern vernacular. Dwellings in the area have varied appearance, but predominantly can be identified as the vernacular design of their period of construction, with simple aesthetics. During the course of the application, amendments have been sought to increase the size and scale of the window proportions in order to aid passive solar gain. This is to accord with Principle 14 of the Housebuilders Design Guide SPD which states that “innovation for energy efficiency is encouraged, particularly for maximising solar gain. Roof forms in the area are predominately mixed between hipped and gabled; therefore, this proposal would provide a corresponding mix. As amended, the proposed dwellings design and architectural features would to some degree, harmonise into the established built environment. This is to accord with Principle 13 of the Housebuilders Design Guide.

- 10.20 The dwellings would be faced in reconstituted stone with grey concrete roof tiles. Details have been provided as part of this application. Such materials are common within the surrounding landscape in which is dominated by stonework and brickwork. Therefore, in this context the use of stone is not opposed, as it would be a high-quality material and would accord with Principle 13 of the Housebuilders Design Guide which states that consideration should be given to the use of local prevalent materials and finishing of buildings to ensure that they reflect the character of the area.
- 10.21 Some details of boundary treatments are shown on the proposed site layout drawing no. P21:5463:01 - O. However, a condition requiring the submission of full details for all boundary treatments is recommended.
- 10.22 There are no designated heritage assets within or covering the site, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within close proximity. However, due to the distance and the existing built form, the application site does not have a direct relationship with these heritage assets, and does not form a significant part of their setting. Therefore, it is considered that the proposed development would not cause unacceptable harm to their significance. This is to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
- 10.23 For the given reasons, officers are satisfied that the proposed appearance of the development would not harm visual amenity and it would represent good design in accordance with Policy LP24 of the Kirklees Local Plan, the aims of the Councils Housebuilders Design Guide SPD and the National Planning Policy Framework.

Residential Amenity

Layout

- 10.24 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable windows that face onto windows of non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
 - For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

- 10.25 In addition to this, Paragraph 130 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.26 Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).
- 10.27 The site is surrounded by existing residential properties to the North, East and West. With regards to separation distances, it has been noted that the majority of the dwellings would retain 21m between habitable facing elevations, with the existing neighbouring dwellings. This would ensure that there would be no undue overbearing, overshadowing or overlooking.
- 10.28 However, in terms of providing a 12m separation distance between windows of habitable rooms that face onto windows of non habitable room/blank elevations, it has been noted that Plot 8 would have a close relationship with no. 14 and 16 Wentworth Avenue, whereby the separation distance from the proposed side facing blank elevation would fall short of the 12m identified. Instead, 10.5m would be retained to the original rear elevation at no. 14, along with 8m to no.16. Whilst this would fall short of the aforementioned separation distance, paragraph 7.20 of the Housebuilders Design Guide SPD states that there are several design solutions that allow for reduced distances between buildings such as:
- The angles of facing elevations and the orientation of the buildings;
 - The size, angle and design of upper storey windows to minimise overlooking, including off-set windows and giving consideration to the advice set out in Principle 14;
 - The internal layout of dwellings, to maximise distances between habitable rooms; Appropriate screening and boundary treatments, such as planting, fences, walls and ancillary outbuildings;
 - Parts of the building that project from the rear elevation to obscure views.
- 10.29 In this case, officers note that due to the position of plot 8 in relation to these neighbours, there would be no undue impact upon all habitable rooms within their rear elevations, due to the orientation of these properties. More specifically, no. 16 would have the closest relationship, however, due to the angle of this property within its plot, only a small section of its rear elevation would have a direct relationship with the side elevation of plot 8. Therefore, on balance, officers consider there to be no material harm upon these neighbours amenity. Permitted rights would also disallow habitable first floor side openings, with officers also recommending the removal of any future ground floor side openings, in order to protect these neighbours amenity. This would be secured by a condition.
- 10.30 Consideration must also be given to internal separation distances and the amenity of future occupiers. Internal separation distances meet or exceed the minimums set out within the Householder Design Guide, with the exception from Plot 13 and Plot 35 in which would only have a separation distance of 19m between the properties principal elevations. Whilst this is a shortfall of 2m,

officers have noted that the dwellings would be separated by a highway with no.13 having to be set further forward within its plot due to the public footpath. As such, officers do not consider there to be any loss of privacy at either property, as a result.

- 10.31 The proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Householder Design Guide SPD and the aims and objectives of LP24 of the Kirklees Local Plan.
- 10.32 The quality of the proposed residential accommodation is also a material planning consideration and therefore the 41 units would comprise of 22 detached dwellings, 10 semi-detached dwellings, 3 terraces and 6 residential flats. Although a small number of two-bedroom units would have been welcomed, significant concern was raised regarding the internal floor space provided, for the former back to back 'Amber' house type. As such, these have been removed from the scheme and the agent has reverted back to the residential flats (type 60/61 (OP) type 58/59 (AS)). Therefore, the proposed unit size mix would help create a mixed and balanced community, to help avoid visual monotony across the site and is considered acceptable.
- 10.33 Although the Government's Nationally Described Space Standards (2015, revised 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Therefore, in line with the amendments outlined within the previous paragraph, all 41 dwellings would meet these standards.
- 10.34 All dwellings would benefit from a dual aspect and would be provided with adequate outlook, privacy and natural light.

Landscaping

- 10.35 The proposed gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, while offering private amenity space for residents, securing a high standard of visual and residential amenity. Some details of the boundary treatments proposed have been provided on the submitted site plan (Dwg. No P21:5463:01 Rev O) which will be used to sub-divide the dwellings and other boundaries. However, full details regarding the design of the boundary treatments are required, as outlined above.
- 10.36 As the site is for 41 dwellings, the scheme triggers the need for approximately 4794.82 sq.m of open space, to accord with Policy LP63 of the Kirklees Local Plan. It is accepted that a larger area of open space cannot (and should not) be provided on site, given the sites current arrangement with the public footpath and the need to accommodate a sufficient number of dwellings (of an acceptable design and level of amenity). Therefore, given the layout proposed the development would provide 1965.5 sq.m of public open space. Therefore, the applicant's approach to the remaining open space will, however, necessitate a financial contribution towards off-site open space. A contribution of £44,006.00 would be secured as part of the S106 agreement, including funding for a Local Area of Play. This contribution could be put towards existing facilities within walking distance of the application site, including Warburton Recreation Ground.

- 10.37 Overall, the proposed on site open space is welcomed, however, a condition is recommended requiring the implementation of the landscaping as proposed, alongside the management and maintenance details for the open space for a minimum of five years, to ensure plants have adequate establishment opportunity. This is to accord with LP32 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Highway issues

- 10.38 Paragraph 110 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 111 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.
- 10.39 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 will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 There is currently no vehicle access onto the site. A new road is to be created with access from Wentworth Drive to the South West. Wentworth Drive has footways on both sides of the carriageway, has no yellow road markings, and connects to the wider highway network at Beaumont Street (which is a continuation of Upper Lane) to the north.
- 10.41 Outline permission was granted in June 2021, whereby the matter of access was agreed. The indicative site layout plan showed 44 residential dwellings with access from Wentworth Drive. The outline application was supported by a Transport Statement prepared by Optima Intelligent Highways Solutions. This was assessed by KC Highways DM, who considered the access acceptable on highway safety grounds. Full comments can be found within the previous committee report (2020/91215).
- 10.42 KC Highways DM have been formally consulted as part of this Reserved Matters application. It has been noted that significant amendments have been sought to reduce the scheme from 49 dwellings (as originally submitted) to 41. Further information was requested by Highways Officers in regard to visitor parking, the alignment/connection to Wentworth Drive, refuse swept paths, widening of the width of the footways, visibility splays at the bends and a stage one road safety audit for the access from Wentworth drive and the internal road layout. All the aforementioned information, other than a new road safety audit has been submitted and agreed with the Highways Officer and demonstrated on the proposed site plan (P21:5463:01 Rev O). Full details on each element can be found below.

Parking layout and provision

10.43 Considering parking layout and provision, there would be a mixture of front and side parking. The mixture is appropriate and allows for some units to have front gardens, preventing an unattractive 'sea of tarmac' arrangement. Key driver 20 of the Highways Design Guide SPD outlines that the Council does not have any set local parking standards for residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced using the criteria in Para. 5.1), it is considered that new:

- 2 to 3 bedroom dwellings provide a minimum of two off-street car parking spaces
- 4+ bedroom dwellings provide three off-street spaces.
- 1-2 bedroom apartments provide one space (3+ bed two spaces)

10.44 Therefore, all units would be served by adequate on site parking, with the number of spaces per dwelling being highlighted below. Each parking space would be to an appropriate standard in line with the Council's Highway Design Guide SPD.

- Moresby (3 bedrooms) – 2 parking spaces
- Kenford (4 bedrooms) – 3 parking spaces (plot 41 however provides a double garage).
- Kirkbridge (3 bedrooms) – 2 parking spaces
- Denby (3 bedrooms) – 3 parking spaces
- Radleigh – (4 bedrooms) – 3 parking spaces
- Alderney – (4 bedrooms) – 3 parking spaces

10.45 A condition regarding the surfacing and drainage of parking areas is considered appropriate, as is an informative note regarding works to the highway. Along this, a further condition requiring details of the internal adoptable roads is also considered necessary, in order to ensure that suitable access is provided for the development.

Visitor parking

10.46 With regard to visitor parking, eight spaces have now been shown throughout the site. Whilst this is slightly under the Council's recommendations for 1 space per 4 dwellings, officers have had to balance the impact in which the development may have on the PROW and public open space should additional spaces be provided. It is noted that the four spaces at the entrance to the site are located at a distance to some of the houses, however, these spaces would still be useable nonetheless, given the compact nature of the site, meaning that visitors would not have to walk a significant distance. As such, having weighed the aforementioned considerations and the constraints within the site, on balance Highways Officers are in support of the visitor parking spaces. A condition removing permitted development rights for the conversion of integral garages is recommended. This is considered necessary in order to mitigate against any undue impact to highway safety as a result of additional on street parking.

Waste collection

- 10.47 In terms of waste collection, refuse vehicle swept paths have been demonstrated, as original concerns were raised regarding the relationship with the kerb lines. These have been demonstrated on the proposed site plan (P21:5463:01 Rev O) and considered acceptable by Highways Officers. Bin storage points are also identified on the aforementioned plan, with each dwelling having an allocated space to the rear of the dwelling. A bin storage point has also been provided to the rear of the apartments. As such, the development would accord with Policy LP24 d(vi) of the Kirklees Local Plan.

Public right of way

- 10.48 In terms of the Public Footpath DEN/21/20, this is to be retained as existing. As such, no concern has been raised by KC Footpaths. Officers have however, noted concerns raised by local residents in terms of the works to improve the footpath, in which have not yet taken place. This is secured under condition 7 on the Outline permission which states requires works to be undertaken prior to commencement. This will include the widening of the PROW up to 2m, hard surfacing and the provision of street lighting with associated signing and white lining where achievable within adopted highway land.
- 10.49 Access to the adjacent Millennium Green would not be restricted by the proposed development.
- 10.50 Therefore, having regard to the above, the proposal is considered to deliver a safe and suitable access arrangement and adequate parking, which would not harm the safe and efficient flow of traffic on the surrounding highway network. It is therefore considered to comply with Policy LP21 and LP22 of the Kirklees Local Plan and the Councils Highways Design Guide and Housebuilder Design Guide SPDs.

Flood risk and drainage issues

- 10.51 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) was submitted by the applicant.
- 10.52 The Councils Lead Local Flood Authority (LLFA) have been consulted as part of this application and have confirmed that the drainage proposals set out within the FRA assessment are acceptable. In particular, they make reference to the attenuated surface water discharge which is to be connected to the 225mm via Yorkshire Water combined sewer in Green Acres Close (subject to Yorkshire Waters approval). They also note that the attenuation storage volume is to be sized to ensure that the critical 1 in 100 year (plus 30% CC) rainfall event will be contained within the site without causing flooding to the curtilage of existing or proposed properties, and that flood routing for exceedance events should be directed along the access road or across public open space and should avoid causing flooding to the curtilage of existing or proposed properties. Finally, the LLFA would expect that the foul and surface water drainage system will be offered for adoption by Yorkshire Water, however the developer's proposal for the maintenance of the drainage system until adoption by Yorkshire Water should be submitted for approval to the LPA. This would be covered via a condition. Further conditions regarding the full details of the proposed drainage system and details of temporary drainage proposals during the construction phase, would also be secured via condition.

Ecological considerations

- 10.53 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the KLP states that the Council would seek to enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity.
- 10.54 The application site is greenfield land and is grassed. Trees and shrubs exist along the site's edges. The site is within a Biodiversity Opportunity Zone (Pennine Foothills) and an Impact Risk Zone of a Site of Special Scientific Interest. The application is supported by a Biodiversity Gain Assessment and Ecological Design Strategy, both of which provided updated information following on from the fixing of the masterplan.
- 10.55 The Biodiversity Net Gain summary provides an updated metric calculation with the DEFRA v3.0 metric. The updated calculations result in a loss of 3.39 habitat units (-68.03%) and gain of 0.89 hedgerow units (168.13%). Therefore, as determined in the S106 agreement secured as part of the Outline application (2020/91215), a Biodiversity Contribution should be provided. As stated in the S106 agreement, Kirklees Council currently has a fixed rate cost of £20,000 per habitat unit lost, with an additional 15% admin charge. Therefore, given there will be an overall loss of 3.39 habitat units, this will equate to a biodiversity contribution of £77,970.
- 10.56 The Ecological Design Strategy clearly details appropriate habitat creation, restoration, management and monitoring protocols to be utilised throughout the development. The development will result in the creation of three bat boxes, 48 swift bricks and hedgehog friendly fence panels.
- 10.57 The Council's Ecologist undertook a site visit on Thursday 24th March 2022 and determined that a number of birds were nesting within the tall ruderal and hedgerows throughout the site. Therefore, a condition is required to ensure that no vegetation removal is undertaken within the nesting bird season (March-August).
- 10.58 In conclusion, subject to conditions regarding the ecological measures within the Ecological Design Strategy being carried out and no removal of vegetation throughout the site within the months of March – August and the S106 contribution, KC Ecology are in support of the scheme. This would accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Trees

- 10.59 No trees within the application site are the subjects of Tree Preservation Order (TPOs), however, there are trees within the adjacent Millennium Green and elsewhere around the edges of the site, which positively contribute to the visual aesthetics of the area.
- 10.60 KC Trees have been formally consulted as part of this application, whereby no objections have been raised, subject to a condition being attached to set out that the recommendations within the Arboricultural Method Statement are followed.

- 10.61 A landscape plan has been submitted as part of this application (21:5463 100 Rev G), whereby the Tree Officer is satisfied with the development proposed. The officer has however, requested that a condition is attached to the decision notice to ensure that the development is constructed in line with the Landscape Management Plan.
- 10.62 A significant number of street trees would be planted throughout the site, along with small sections of public open space. These are both welcomed in line with Policy LP33 and LP63 of the Kirklees Local Plan.
- 10.63 However, concerns were originally raised by the Tree officer, along with several other consultees (including Ecology and Landscape) as the submitted plans showed a number of dwellings to be situated within close proximity to the southern boundary with the Millennium Green, resulting in potential pruning problems for the Trustees. As such, amendments for a green corridor along this boundary were requested. However, these were not sought and therefore, a balanced approach has been taken, due to the number of units along the southern boundary being reduced, as part of the wider changes to layout. Therefore, the maintenance of any hedges/trees within the Millennium Green would fall under a private legal matter between the developer/future residents and the Trustees of the Millennium Green.
- 10.64 Therefore, subject to the aforementioned conditions, the proposal would comply with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Environmental and public health

- 10.65 With regard to the West Yorkshire Low Emission Strategy, condition 20 of the Outline planning permission (ref: 2020/91215) requires details to be provided for charging electric vehicles and other ultra-low emission vehicles. In this instance, the proposed site plan (P21:5463:01 Rev N) shows each residential unit to provide on vehicle charging point within its area of hardstanding. Nonetheless, a further condition is recommended at this Reserved Matters stage, specifying that each charge point must be capable of ensuring a minimum continuous current demand of 16 amps and a maximum demand of 32 amps.
- 10.66 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Therefore, having regard to the size of the dwellings proposed, measures to minimise crime and anti-social behaviour have been incorporated into the site's layout. This includes natural surveillance and appropriate boundary treatment. As such, the scheme would not have a negative impact on human health.
- 10.67 Regarding the social infrastructure currently provided and available in Emley and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. As such, officers do not consider the level of development proposed to have a detrimental impact on existing social infrastructure.

Contamination and coal legacy

- 10.68 With regard to ground contamination, the applicant submitted a Geo-environmental Appraisal and details of gas monitoring works as part of the original Outline permission. Having reviewed such documents Environmental Health Officers considered it necessary to attach ground conditions. Therefore, information to discharge conditions 17, 18 and 19 on the Outline permission have been submitted under a separate discharge of condition application (2022/90137), which is still undetermined.
- 10.69 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. The applicant's site investigation works as part of the previous Outline application found the Flockton Thin coal seam to be intact coal across the site, and the deeper Second Brown Metal seam was not encountered. No evidence of mine workings was identified during the investigation. Therefore, in light of this, the Coal Authority raised no objection to original Outline planning application (2020/91215), or this Reserved Matters application.

Sport England

- 10.70 As the application site is immediately adjacent to a cricket field, Sport England have been formally consulted. In light of the Outline permission (2020/91215), condition 26 required the submission of a detailed ball-stop net as part of the Reserved Matters application.
- 10.71 In this instance, initial objections were raised by Sport England due to the size of the net originally proposed at 12m, as this would not conform with the findings of the Labsport Report (LSUK.20-0563). As such, after significant negotiations with the agent and applicant, a ball strike net of 17m has been demonstrated on the street elevation plan. This would accord with the aforementioned report and therefore, Sport England have formally withdrawn their objection, subject to conditions being attached to the decision notice. The conditions would require a detailed design of the ball stop netting and its associated support columns and for details regarding a management and maintenance plan of the approved netting, which shall include the provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus.
- 10.72 In this case, condition 27 of the Outline permission requires the submission of a scheme for the management and maintenance of the ball stop netting and therefore it is not reasonable to re-attach this condition as part of the Reserved Matters. However, the condition requesting further details of the net and its associated support columns would be attached to the decision notice. This is considered reasonable in the context of Policy 50 of the Kirklees Local Plan.

Representations

- 10.73 As a result of the above publicity, 221 representations have been received. Most matters raised have been addressed in the report. However, officers have provided a brief response to the concerns raised below.

Visual amenity

- Concerns regarding the size of the development.
- The development would not be in keeping with the surrounding built form.
- Overdevelopment of the site – including density concerns (35 dwellings per hectare).
- The 18m high ball strike fence will be unsightly and will not completely eradicate cricket balls hitting the new houses and gardens, leading to a fatality.
- The cricket net will be an eyesore.
- The proposal would have an overbearing impact on the Millennium Green, with no access to allow for proper maintenance.
- Concern regarding the visual impact of the 2.5 storey dwellings.
- Style of housing needs addressing as discussed previously, low cost apartments are not in keeping with the development and need to be upgraded as per Kirklees recommendations. These low cost starter homes are more in keeping with the village and could provide local young people with homes near their work and families.
- The plots are not very well spaced.
- The proposed development is incongruous with the local area. The intensity of this development and policy failures within the submission offer no benefits to the village or its people.
- Concerns over the house types provided i.e lack of bungalows and the flat/apartments are not in keeping with the area.

Officer comment: A full assessment upon the impact on visual amenity within the site, and within the wider area, can be found within the report above. Amendments have been sought to reduce the size of the units to two storey in order to be sympathetic to the surrounding landscape. The residential flats would also have a similar appearance to the dwellings proposed. The cricket net would also be relatively light weight, with three metal posts, as such, other than its height, it is not considered to appear unsightly within the area.

Residential amenity

- Concerns on existing and proposed neighbouring amenity in terms of overlooking, overshadowing and overbearing.
- Noise, disturbance and odour implications for existing residential properties.
- Loss of a view for existing residents.
- Some of the separation distances do not comply with the guidance identified within the Housebuilders Design Guide SPD.
- The plans are deliberately contravening building specifications/ recommendations (adopted by Kirklees) in every aspect to cram in more houses than what is right for the residents living space and some natural growth.

Officer comment: A full assessment upon the impact on residential amenity can be found within the report above. Details regarding the separation distances provided within the site and to existing dwellings has also been outlined. The loss of a view is not a material planning consideration and therefore cannot be afforded any weight. Lastly, a Construction Environmental Management Plan has been secured by condition as part of the outline permission, which will ensure that neighbouring amenity is protected during the construction phase.

Highway safety and parking

- The lack of/shortfall of adequate parking provision will impact surrounding residential areas.
- The plans are short of 19 spaces on the design guidelines.
- There is no space for larger vehicles including emergency vehicles.
- There is no space for visitors.
- The garages are too small to park a modern car.
- There is limited public transport in the village.
- Concerns regarding the access from Wentworth Drive to Chapel Lane and from Wentworth Drive to Beaumont Street Junction is very hazardous.
- Building work will require many hundred more large vehicles at this junction.
- Concern regarding heavy vehicles using Wentworth Drive to access the site.
- No further traffic surveys have been submitted as part of the Reserved Matters application.
- Barrett's are using an outdated traffic survey that was completed in Lockdown, so do not offer a realistic view of the volume of traffic that the passes through village.
- A traffic survey was recently undertaken by residents in which is significantly different to the one produced by Highstone in terms of vehicular movement.
- The roads will need to be maintained more by the council.
- The residential properties should have at least 2 parking spaces per household.
- There are existing parking issues within the village in which will be intensified by this development.
- The five remote visitor parking spaces could attract criminal activity.
- The pedestrian access from Green Acres Close will attract people to parking on neighbouring streets.
- Where will parking be provided for the workers?
- There are no cycle lanes
- There appear to be unanswered questions on the validity of access into the site and the validity of the s40 Highways Agreement dated 6th April 1979 and its bearing on ransom strips adjoining the development site.
- The back to back dwellings have insufficient parking spaces and no visitor spaces.
- Insufficient drives (too small)
- The parking bays are not long enough.
- Concern regarding the diversion of the PROW.
- The site will be reliant upon motorised vehicles rather than the bicycles in which Barratts have described.

Officer comment: KC Highways DM have been consulted as part of this application, with their full comments being highlighted within the report above. Access to the site was agreed in principle within the outline permission and therefore new surveys were not considered to be necessary as the proposal incorporates less than the indicative housing approved capacity. The PROW would also be retained as existing and therefore will no longer needs to be diverted.

Affordable housing

- The affordable dwellings are not distributed equally throughout the site. There is inadequate parking and outdoor space for these units.
- Affordable dwellings should offer 2 bedroom town houses with private gardens which reflect more the needs of the local population.
Officer comment: Officers consider the location of the affordable units with the amendments sought to be acceptable. Affordable units for two bedroom back to back dwellings were previously proposed, however, they were significantly below the Governments National Described Space Standards (NDSS). These units were therefore amended incorporate single bedroom flats. This would achieve an acceptable level of amenity for the future occupiers and therefore on balance have been supported..

Public right of way

- The plans have not considered the current application for the adoption of the footpath which runs to the south side of the cricket field.
Officer comment: Given that the application made for the claimed footpath to the North of the site has not been determined (application ref: DEN/dmmo app 311/10), officers do not consider it necessary to be shown on the proposed plans, as this will be assessed under a separation public footpath application.
- The public right of way crosses the road, which is surely a risk to the public.
Officer comment: This has been noted, however, given the relatively small scale of the development, officers do not consider it to be a safety risk.
- The PROW should not be blocked by cars.
Officer comment: This has been noted.
- Concerns regarding the useability of the PROW for disabled users.
Officer comment: The PROW will be improved to ensure that it is useable for all.
- There is no plans to upgrade the footpath than runs within the site to the centre of Emley.
Officer comment: The PROW improvements have been secured under condition 8 on the original outline application.
- The public footpath which enters the site from the recreation ground off Warburton should be provided with a hard surface and not squeezed into a narrow alleyway but given more room.
Comment: This has been noted, however, the public footpath (DEN/96/10) already has this existing relationship.
- Footpath DEN/21/20 is located in the centre of this proposed development we would ask that this footpath be upgraded to a multi-user bridleway thereby providing the path for a greater number of users. This path is likely to receive greater use by the public as a result of this development, as such the developer should be asked to provide an improved surface.
Comment: The PROW improvements have been secured under condition 8 on the original outline application.

Cricket ball net

- The fence stanchions for the ball strike net are below the recommended 18m from Labsport.
- Taller nets are required.
- Noise implication for the cricket net.
- Further nets will be required to cover the attenuation tank and the space on the left towards the PROW.
- Who will pay for the maintenance of the ball strike nets?
- The information submitted regarding the cricket net does not comply with the requirements of condition 26 of the outline permission.

Officer comment: The amendments to the height of the cricket ball net have been considered acceptable and therefore the objections from Sport England have been removed. A further condition regarding the management and maintenance of the net is recommended.

Ecology, wildlife and open space

- The development would lead to the destruction of the hedge and corridor for animals in which have been encouraged and nurtured by the Trustees of the Millennium Green.

Officer comment: The development would not impact upon any hedges/trees within third party land.

- There are no network of pedestrian links to open spaces.

Officer comment: Several areas of public open space have been provided within the site which link to the public footpath and surrounding recreation ground and Millennium Green.

- The development would not accord with Policy LP30 ii of the Kirklees Local Plan and National Planning Policy Framework.

Officer comment: This has been noted. See above in report for further clarification.

- Impacts on trees and the landscape, as the development would destroy a well-used green space within the village.

Officer comment: This has been noted, however, the principle of developing the land for residential development has been established.

- There should be a wildlife corridor running through the site onto the Millennium Green

- To protect these creatures (who are classified as vulnerable to extinction), a wildlife corridor should be left running the length of the Millennium green (from Green Acres Close to the proposed development access on Wentworth Drive) thus allowing them to safely forage/roam.

Officer comment: This has been noted and therefore a condition is recommended should the application be approved to ensure that there are hedgehog gaps between the boundary treatment to the south of the site, adjacent to the Millennium Green.

- The development does not provide a biodiversity net gain.

Officer comment: An off site contribution will be made in order to secure a 10% biodiversity gain.

- A green buffer should be provided between the site and the Millennium Green, to ensure the retention of any existing trees.
Officer comment: This has been noted and requested by officers to the agent, however, no amendments in this respect, have been sought, as it would compromise the proposed layout.
- Limited information in respect of ecology.
Officer comment: This has been noted.
- There is not enough open space within the site.
Officer comment: This has been noted. An off site contribution will be a requirement should the application be approved.
- The proposed plots are so close to the Millennium Garden that it will not be accessible for maintenance as is directed by a buffer zone, the area will be stifled by the new plots, the 'breathing space' will be lost through noise and traffic from the development.
- Plot numbers 36 and 44 will directly impact the ground and root structure of many of these trees.
Officer comment: This has been noted, however, access for maintenance would be a private legal matter.
- The submitted plan does not highlight which types of open space are to be provided based on the types within the open space SPD. Open spaces are a key part of any successful development and offer opportunities to vary the street scene and create focal points for layout arrangements to help create a sense of space.
Officer comment: This has been noted, however, it is not a requirement as part of the submitted application. The Landscape Officer has however, categorised the open space proposed in order to calculate the contribution for the off site public open space.
- Concerns regarding the impact on wild birds.
Officer comment: A full assessment has been undertaken by KC Ecology and can be found within paragraphs 10.53-10.58 of the report.

General concerns

- Current plans demonstrate that planners and proposers are using out of date standards to gain easy acceptance.
Officer comment: This has been noted, however, the application has been assessed against adopted local and national policies and supplementary planning documents.
- Emley doesn't have enough facilities in order to accommodate additional houses.
Officer comment: This has been noted, however, the principle of developing the site for residential development has been established.
- Health risks from poor air quality/air pollution.
Officer comment: This has been noted, however, a Construction Environmental Management Plan has been secured as part of the outline permission.

- Too much hardstanding and not enough soft landscaping.
Officer comment: This has been noted.
- The previous applications have been rejected by the majority of residents within the community.
Officer comment: This has been noted.
- I am led to believe that there will be no education contribution.
Officer comment: A contribution to education has been secured as part of the outline application. This will be £78, 891.
- A condition should be proposed to restrict vehicular and pedestrian access from Green Acres Close for every day use by residents.
Officer comment: This concern has been noted, however, it would not meet the six tests for applying a planning condition.
- Ground floor W.C's should be provided for disabled users.
Officer comment: This has been noted, with some house types providing ground floor W.C's.
- Inaccuracies in Barratts description statement about Emley village.
- Concerns regarding the impact on existing amenities.
Officer comment: This has been noted.
- Have the issues regarding coal, sewerage and water issues been resolved?
Officer comment: These issues have been discussed in the report above.
- The impact on existing house prices will be devastating as a result of the new builds.
Officer comment: This is not a material planning consideration and therefore cannot be afforded any weight.

Financial contributions and planning obligations

10.74 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

10.75 A S106 agreement was secured as part of the Outline permission and therefore, the contributions to this are identified below:

- Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.
- Open space – £82,927 as per the original S106 or alternatively the developer could request a Deed of Variation for this contribution, which given the open space provided on the site, would amount of a contribution of £44,006 towards off site provision.
- Education – £78, 891 contribution

- Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)
- Management – 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).
- Biodiversity - £77,9700 contribution towards off-site provision,
- Traffic Regulation Order – £7,000 contribution.

Affordable housing

- 10.76 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.77 To comply with policy LP11, the proposed development would need to provide 8 affordable housing units. These units will be provided in the formation of six 1bedroom flats and two three bedroom semi detached dwellings. Preferably KC Strategic Housing would like to see the six flats being for social/affordable rent and for the two 3 bedroom dwellings being for the intermediates.
- 10.78 The affordable units would be scattered to the North West and South East of the site, however, due to the flats proposed, it has been noted that these would be contained within one cluster. This is due to the desired built form and therefore they cannot be separated into smaller units. As such, no objection has been raised by KC Strategic Housing; subject, to all affordable housing being indistinguishable from the rest of the development in terms of quality and design.

Education

- 10.79 As outlined within the S106 agreement secured on the Outline permission an education contribution is required due to the number of units being proposed. 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. In this instance, a contribution of £78,891 is required in which will go towards Emley First School and Kirkburton Middle School.

Public open space

- 10.80 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.

- 10.81 As part of the S106 agreement on the Outline permission an off-site public open space contribution of £82,927 was secured for 44 dwellings or if the total of dwellings differ the contribution should be calculated at £1885 per dwelling. This was a baseline rate, to secure a full off site contribution should no open space be provided within the site.
- 10.82 However, the Reserved matters application proposes 1,965.5 sqm of on-site Public Open Space, which would require a smaller off-site contribution of £44,006, in accordance with the Public Open Space SPD. Therefore, the developer could either stick with the original agreement, or a Deed of Variation to the original S106 could be submitted to amend this contribution. This would be secured after a planning decision has been made in accordance with Policy LP63 of the Kirklees Local Plan.

Highways and transport

- 10.83 As part of the S106 agreement on the Outline permission a contribution towards Sustainable Travel Plan Fund has been secured. This means that the developer will pay £500.50 per dwelling, an overall contribution of £20,520.50 for 41 units.
- 10.84 Traffic Regulation Contributions were also secured as part of the aforementioned legal agreement, in which will also see a contribution of £7,000 to be paid to the Council in order to pursue a TRO, in respect of Wentworth/Beaumont Street junction if considered necessary.

Management and maintenance

- 10.85 A Management and Maintenance plan has been secured as part of the original S106 agreement to include the 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.

Biodiversity

- 10.86 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.
- 10.87 As set out within paragraph 10.55, an off-site contribution is expected for this site, valued currently at £77,970 to provide 10% net gain.

Other Matters

Crime prevention measures

- 10.88 The Council's Designing Out Crime Officer has been formally consulted as part of this application. In case, the officer has requested that additional security measures be conditioned, to include additional boundary treatments, details of external lighting within the site and additional cycle security measures.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS137, outline planning permission for residential development has previously been granted, and the principle of residential development at this site remains acceptable
- 11.2 This application seeks approval on all reserved matters; access, appearance, landscaping, layout, and scale for 41 residential dwellings. The site is constrained by public rights of way, the adjacent cricket ground, adjacent trees, coal mining legacy, ecological considerations, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at the conditions stage.
- 11.3 The proposal would not harm material planning considerations and would provide an enhancement to local affordable house and infrastructure.
- 11.4 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. Development to be carried out in accordance with the approved plans and specifications
2. Details of boundary treatment to include security measures.
3. Details of external lighting.
4. Details of ball stop netting and associated support columns
5. Design details of proposed drainage system, including hydraulic calculation and size of attenuation.
6. Details of temporary drainage proposals.
7. The drainage of waste water from the site to the 225 mm diameter public surface water sewer to the west of the site, at a maximum rate of 3.5 (three point five) litres per second
8. The development in accordance with the Arboricultural Method Statement.
9. The development to be completed in accordance with the Landscape Masterplan.
10. Before development commences a scheme detailing all new retaining walls shall be submitted to the LPA.
11. Before development commences a scheme detailing all new surface water attenuation pipes/manholes located within the proposed highway footprint shall be submitted to the LPA.
12. Full details of boundary treatment, including fencing in which can allow for Hedgehogs.
13. Removal of PD rights for windows within the northern elevation of Plot 8.
14. Additional crime prevention security measures to be conditioned.
15. Development to be completed in accordance with Ecological Design Strategy/
16. No vegetation to be removed within the nesting bird season (March to August inclusive).

For clarity the following the following are the conditions attached to the outline application (2020/91215). For the avoidance of doubt, these do not need to be reimposed as part of the reserved matters, but remain active via the outline application:

1. Reserved matters to be approved prior to development commencing
2. Plans relating to appearance, landscaping layout and scale to be submitted as part of a Reserved Matters.
3. Reserved matters to be submitted within 3 years
4. Development to commence within 2 years of reserved matters being approved
5. Development to be done in accordance with plans
6. Submission of a scheme detailing the layout, construction specification, and programme of works for the access to the development, visibility splays, internal roads, footways, turning areas to accommodate an 11.85m refuse vehicle, and all associated works.
7. Upgrade to the public right of way DEN/21/20.
8. No vehicular access through Green Acres Close, other than already provided for the Millennium Green.
9. Requirements of a Travel Plan for more than 50 dwellings
10. Submission of a Construction Environmental Management Plan.
11. Submission of temporary surface water drainage.
12. Details of hard and soft landscaping to be submitted as part of the Reserved Matters application.
13. The findings from any intrusive site investigation works in relation to shallow mining, mine entries and other aspects of minimal legacy.
14. The development shall be provided with a separate system of drainage for foul and surface water.
15. The Reserved Matters should detail foul and surface water drainage (including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests
16. The Reserved Matters should include an assessment of the effects of 1 in 100-year storm events.
17. Where site remediation is recommended, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.
18. Remediation of the site to be carried out in pursuant of condition 17.
19. Following completion of any Remediation, a Validation Report shall be submitted to the Local Planning Authority.
20. Submission of a scheme detailing electrical vehicle charging points.
21. The Reserved Matters should include an Arboricultural Impact Assessment and Method Statement
22. Tree protection measures in accordance with BS5837:2012.
23. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority.
24. The Reserved Matters should include details of the site's baseline ecological value.
25. The Reserved Matters should include an Ecological Design Strategy.
26. The Reserved Matters should details of a ball-stop net.
27. Submission of a scheme for the management and maintenance of the approved ball-stop netting.
28. The Reserved Matters should include measures to prevent and deter crime and anti-social behaviour.
29. The Reserved Matters should include the submission of a noise report.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

[Link to previous outline permission](#)

Certificate of Ownership – Certificate B signed.