
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-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

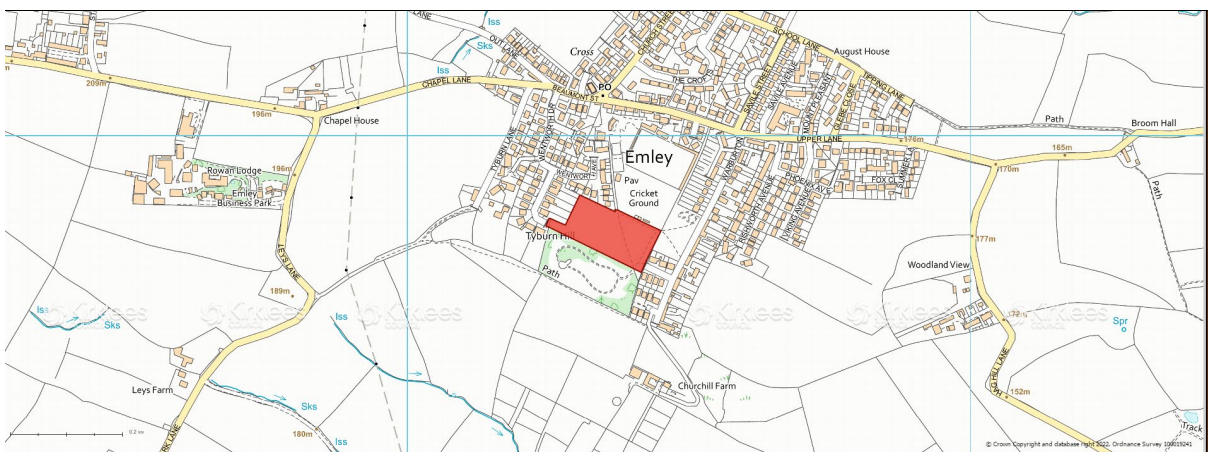
EXTENSION EXPIRY DATE

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.

[Public speaking at committee link](#)

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.
- 1.4 A report relating to this application was considered by Heavy Woollen Sub-Committee on the 28th April 2022. At the meeting it was resolved to defer the committee decision to allow members to carry out a site visit, for the applicant to provide more details relating to crime prevention and for the proposed conditions to be simplified and included in a table.

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.
- Details of crime prevention measures (following the Sub-Committees referral on the 28.04.22)

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 227 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 ad 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.
- The updated plan appears to indicate that the 4 remote visitor parking spaces at the entrance to the site have natural surveillance from 6 properties. However, all 6 properties are at an oblique angle and there are no windows in any property that have a direct view.

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. This has also not been shown on the plans.
- 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.
- The latest site plan submitted by Barratt indicates a green dotted line to represent the claimed footpath diversion – however the plan does not show the diversion? Please clarify this discrepancy.
- Children will always use the shortest route from Point A – B, therefore any proposed diversion which does not utilise this is futile and will be redundant.

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.
- Concern regarding the height of the net put before Members at the previous committee as this was only 12m high.
- Confirmation should be sought that the net proposed would not have an overbearing impact nor should it be an eyesore to the existing homeowners/ future plot owners.
- The net would have a visual impact upon Emley Millennium Green.
- The plots adjacent to the net should not be built until it has been erected.
- How will the net be supported and maintained?
- Why does the lab sport report suggest an 18m net, but Barretts have only provided a 17m high net?
- Does the net need permission in its own right?
- The stanchion supporting the netting adjacent to Golcar Cricket Field recently collapsed. Please confirm that Kirklees will therefore re consider and take seriously the points raised and will request the correct technical information for the netting and supports at this stage.

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.
- What will be in the impact for ecology with the ball striking net?

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.
- There has been a total of 700 objections.
- The Trustees have a legal right to enter the field to fulfil their legal requirements for the Millennium Green.
- Confirmation that conditions regarding renewable energies, a construction management plan, no construction until a ball strike net has been erected and a noise report, will be attached to the decision notice.
- The updated security plan would not provide natural surveillance.

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 – In support of the crime prevention measures proposed.

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

Responses to reasons for deferral

Crime prevention measures

10.1 Following the Sub-Committees deferral on the 28.04.22, the agent has prepared a plan to show the crime prevention measures to be included within the site. This has been demonstrated on the secure by design layout plan dwg no. P21:5463:21 Rev A.

10.2 The plan demonstrates the location of street lighting, the types of boundary treatment, rear lockable gates and the natural surveillance proposed to the visitor parking spaces at the entrance to the development, as this concern was raised by members. More specifically, the plan shows the car parking spaces to be overlooked by plots 1, 40 and 41 within the application site, and no. 35 and 40 Wentworth Drive. As such, no concern has been raised by KC Crime Prevention, who is in support of the scheme proposed.

Proposed planning conditions

10.3 As requested by Cllr Pinnock, at the previous Sub-Committee, a table of the proposed planning conditions, alongside those attached as part of the previous outline (2020/91215) have been provided within appendix 1.

- 10.4 To note, the conditions attached at outline are still relevant, unless they have been covered as part of this Reserved Matters application. Therefore, it is not considered necessary to re-attach the same conditions to this reserved matters, should it be approved, as both decision notices will be read alongside one another.

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 homes 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.

- The updated plan appears to indicate that the 4 remote visitor parking spaces at the entrance to the site have natural surveillance from 6 properties. However, all 6 properties are at an oblique angle and there are no windows in any property that have a direct view.

Comment: KC Crime Prevention have reviewed the 'secure by design' layout plan and are happy with the details shown.

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. This has also not been shown on the plans.
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.
Officer 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.
Officer comment: The PROW improvements have been secured under condition 8 on the original outline application.
- The latest site plan submitted by Barratt indicates a green dotted line to represent the claimed footpath diversion – however the plan does not show the diversion? Please clarify this discrepancy.
Comment: This has been noted and appears to be a discrepancy within the site layout key. The green dotted line was originally proposed, when the applicant was looking to divert the line of the PROW through the site. However, the direct route of the PROW would be retained as part of this application.
- Children will always use the shortest route from Point A – B, therefore any proposed diversion which does not utilise this is futile and will be redundant.
Officer comment: This concern has been noted.

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?
- How will the net be supported and maintained?
- 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.
- Concern regarding the height of the net put before Members at the previous committee as this was only 12m high.
Officer comment: This has been noted, however, the photograph was to give members a visual indication of what the net would look like in appearance (subject to its height).
- Confirmation should be sought that the net proposed would not have an overbearing impact nor should it be an eyesore to the existing homeowners/ future plot owners.
Officer comment: Given the nets relatively light-weight design, officers are satisfied that there would be no detrimental impact to either existing or future home owners.
- The net would have a visual impact upon Emley Millennium Green.
Officer comment: This has been noted, however, officers do not consider the relationship between the proposed net and Emley Millennium Green to be that significant, should the development be approved.
- The plots adjacent to the net should not be built until it has been erected.
Officer comment: A condition would be attached to the decision notice to state that the dwellings within the ball strike distance, shall not be occupied until the net has been constructed.
- Why does the labosport report suggest an 18m net, but Barretts have only provided a 17m high net?
Officer comment: The Labosport report states that the net should be 17m to restrict all but the fastest of shots.
- Does the net need permission in its own right?
Officer comment: The ball strike net has been considered as part of this development and therefore does not require a separate planning application.

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 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.

- 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.
- What will be in the impact for ecology with the ball striking net?
Comment: KC Ecology have confirmed that there would be no ecological impact, as a result of the ball striking net.
- The stanchion supporting the netting adjacent to Golcar Cricket Field recently collapsed. Please confirm that Kirklees will therefore re consider and take seriously the points raised and will request the correct technical information for the netting and supports at this stage.
Comment: This comment has been noted, however, each application is assessed on its own merits. Therefore, in this case, officers consider it acceptable and reasonable to request the further technical information regarding the ball strike net, as part of a future discharge of condition application.

General concerns

- Current plans demonstrates 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.
 - There has been a total of 700 objections.
Officer comment: This has been noted, however, the LPA can only take into account those in which have been submit formally as part of this planning application.
 - The Trustees have a legal right to enter the field to fulfil their legal requirements for the Millennium Green.
Officer comment: This has been noted, however, the planning consent would not override any private legal matters.
 - Confirmation that conditions regarding renewable energies, a construction management plan, no construction until a ball strike net has been erected and a noise report, will be attached to the decision notice.
Officer comment: Officers have considered the development in great detail, with the appropriate planning conditions listed below.
 - The updated security plan would not provide natural surveillance.
Officer comment: KC Designing Out Crime Officer, has been formally consulted as part of the planning process, raising no objection to the crime prevention measures proposed.

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 1 bedroom 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.

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. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion and in the interests of highway safety in accordance with Policies LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP11, LP20 LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP35, LP38, LP47, LP48, LP49, LP50, LP51, LP52, LP53, LP63, LP65 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD and National Planning Policy Framework.
2. The crime prevention measures hereby approved, shall be carried out in complete accordance with dwg no. P21:5463:21 Rev A. The measures shall thereafter be retained.
Reason: In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.
3. Before development commences, details of external lighting shall be submitted an approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved works.
Reason: In the interests of amenity and to prevent crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.

4. Prior to the commencement of the development hereby approved, the detailed design of the ball-stop netting and associated support columns shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The agreed ball-stop netting design shall be installed prior to the occupation of any dwelling within the site that the Labosport report deemed at risk of ball strike, to the satisfaction of the Local Planning Authority.

Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.
5. Prior to the commencement of dwelling construction, a management and maintenance plan in respect of the approved ball stop netting, will shall include provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus, shall be submitted to and approved by the local planning authority following consultation with Sport England. The approved plan shall come into force upon the satisfactory installation of the approved ball-stop netting.

Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.
6. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, masterplan design, an assessment of Sustainable drainage including attenuation, water quality and amenity potential, outfalls, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.
7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

 - phasing of the development and phasing of temporary drainage provision.
 - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
 - the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless

otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

8. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference, Wharncliffe Trees and Woodland Consultancy. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP 33 of the Local Plan.9.

9. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

(a) Means of enclosure around the site, including ball stop fencing, proposed hedgerows;

(b) Landscape works at the access point with the Millennium Green;

(c) Materials to be used for all hard surfaced areas including vehicle and other circulation areas;

(d) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation, management and maintenance programme.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

10. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.
11. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northern facing side elevation of the plot 8 hereby approved.
Reason: So as not to detract from the amenity of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
13. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy as already submitted with the planning application.
Reason: To ensure that biodiversity is protected during construction and to aid net gain, in accordance with the requirements of Chapter 15 of the National Planning Policy Framework, and Policy LP30 of the Kirklees Local Plan.
14. Notwithstanding the information submitted within the Ecological Design Strategic, the development shall not commence until a plan detailing the position and location of the three bat boxes, 48 swift bricks and hedgehog friendly fence panels has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

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. A table to show the full wording of the conditions can be found within appendix 1:

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 provide 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.

[Link to application details](#)

[Planning application details | Kirklees Council](#)

[Link to application details](#)

[Link to previous Outline permission](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91215>

Certificate of Ownership – Certificate B signed.

Appendix 1 – Planning conditions attached to the Outline permission

Conditions attached to decision notice as part of the Outline Permission (2020/91215)	Is the condition still relevant?
<p>1. Approval of the details of appearance, landscaping, layout and scale of the site (hereinafter called the “Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.</p>	<p>This condition has been covered as part of the reserved matters application, as it requires the submission of details associated with appearance, landscaping, layout and scale.</p>
<p>2. Plans and particulars of the Reserved Matters referred to in Condition 1 above, relating to appearance, landscaping, layout and scale shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved plans. Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.</p>	<p>This condition remains relevant as it requires the development to be constructed in accordance with the plans. However, it will be updated to reflect the current reserved matters application.</p>
<p>3. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>	<p>This condition has been covered as part of the reserved matters application, as it has been submitted within 3 years of the date, which the outline permission was granted.</p>
<p>4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>	<p>This condition is still relevant, as it requires works to begin within two years of the date in which the reserved matters application was approved.</p>
<p>5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission (which shall in all cases take precedence) and except as may be specified in any subsequent minor or non-material amendments approved in writing by the Local Planning Authority. Reason: For the avoidance of doubt as to what is being permitted.</p>	<p>This condition still remains relevant, as the development shall be carried out in accordance with the plans and specifications outlined with the plans table.</p>
<p>6. Prior to the commencement of development 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include sections, and</p>	<p>This condition still remains relevant, as such works have not been submitted as part of the reserved matters application.</p>

<p>details of drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of the work. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be brought into use until the approved works have been implemented. Thereafter the approved works shall be retained for the lifetime of the development. Reason: To ensure suitable access is provided, and to ensure the safer movement of vehicles, cyclists and pedestrians in accordance with policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of access and internal roads are agreed at an appropriate stage of the development process.</p>	
<p>7. Prior to the commencement of development, a detailed scheme for the provision of improvements to public right of way DEN/21/20 (including widening up to 2m, tarmac surfacing and the provision of street lighting with associated signing and white lining where achievable within adopted highway land) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, and details of surface finishes and any white lining and signing, together with an independent safety audit covering all aspects of the work, and details of the delivery of the work under an appropriate Section 278 approval. Unless otherwise agreed in writing by the Local Planning Authority, all of the approved works shall be implemented before any part of the development is first brought into use. Reason: To ensure suitable access is provided, and to ensure the safer movement of pedestrians in accordance with policies LP20, LP21, LP24 and LP47 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure details of public right of way improvements are devised and agreed at an appropriate stage of the development process.</p>	<p>This condition still remains relevant, as such work/details have not been submitted as part of the reserved matters application. This is a pre commencement condition.</p>
<p>8. No vehicular access shall be provided from Green Acres Close, other than that already provided for the Millennium Green and that required for emergency services access. Reason: To ensure the development would not intensify vehicular movements on Green Acres Close and Warburton, to ensure the development would not increase risks to pedestrian safety and the risk of conflicts between drivers, to ensure highway safety is not reduced, and to accord with policies LP20 and LP21 of the Kirklees Local Plan.</p>	<p>This condition remains relevant for the lifetime of the development.</p>
<p>9. Should the Reserved Matters application(s) referred to in Condition 1 above relate to the development of 50 or more dwellings, the application(s) shall include a Travel Plan which shall set out measures to discourage the use of high-emission vehicles and encourage the</p>	<p>This condition is no longer necessary, as the development does not propose 50 or more dwellings.</p>

<p>use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies. Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy</p>	
<p>10. Prior to the commencement of development (including demolition and ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include predevelopment road condition surveys, a timetable of all works, and details of:</p> <ul style="list-style-type: none"> • point(s) of access for construction traffic; • construction vehicle sizes and routes; • times of vehicle movements; • parking for construction workers; • signage; • wheel washing facilities within the site; • dust suppression and street sweeping measures; • measures to control noise and vibration; • artificial lighting to be used during construction; and • hours of works. The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development. <p>Reason: In the interests of amenity and highway safety, and to accord with policies LP21 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.</p> 	<p>This condition is still necessary as it requires details of the works to be undertaken in order to facilitate the development. This is a pre commencement condition.</p>
<p>11. Prior to the commencement of development (including ground works) details of temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> • detail phasing of the development and phasing of temporary drainage provision; and 	<p>This condition is still necessary as it requires details of temporary surface water drainage, to be undertaken in order to facilitate the development. This is a pre commencement condition.</p>

<ul style="list-style-type: none"> • include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority. Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process. 	
<p>12. The Reserved Matters application(s) referred to in Condition 1 shall include details of all hard and soft landscaping, including details of existing and proposed levels, and regrading. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be occupied until all hard and soft landscaping has been implemented in accordance with the approved details. All approved landscaping shall be retained thereafter in accordance with the approved scheme, long-term maintenance, monitoring and remedial arrangements. Reason: In the interests of local ecological value and visual amenity, and to accord with policies LP24, LP30 and LP32 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework</p>	<p>Details of hard and soft landscaping have been submitted as part of this proposal. Nonetheless, the condition will be updated/re-worded as part of the reserved matters application, to ensure that the works proposed are carried out in accordance with the plans.</p>
<p>13. The Reserved Matters application(s) referred to in Condition 1 shall include a report of findings arising from intrusive site investigations (carried out in accordance with a scheme of intrusive site investigations submitted to and approved in writing by the Local Planning Authority) relating to shallow mine workings, mine entries, and other aspects of the area's mining legacy, and shall include a scheme of remedial works which shall be submitted to and approved in writing by the Local Planning Authority. The remedial work shall be carried out in strict accordance with the scheme so approved. Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.</p>	<p>These details have been submitted under the discharge of condition application (2022/90137). This has been considered acceptable, as development cannot commence until the reserved matters application has been approved, along with the discharge of condition application.</p>
<p>14. The development hereby approved shall be provided with separate systems of drainage for foul and surface water and these systems shall be completed prior to the occupation of the development. Reason: In the interests of satisfactory and sustainable</p>	<p>This condition still remains necessary.</p>

<p>drainage and so as to accord with policies LP27, LP28 and LP34 of the Kirklees Local Plan.</p>	
<p>15. The Reserved Matters application(s) referred to in Condition 1 shall include a scheme detailing 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 where appropriate). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. No part of the development shall be occupied until such approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development. Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.</p>	<p>The drainage proposal set out within the submitted Flood Risk Assessment (FRA) has been considered acceptable. However, this condition still remains necessary as it states that the approved scheme shall thereafter be retained during the life of the development.</p>
<p>16. The Reserved Matters application(s) referred to in Condition 1 shall include an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area, in both directions. No part of the development shall be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development. Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.</p>	<p>An assessment of 1 in 100-year storm events has been submitted with the reserved matters application. However, this condition still remains necessary as it states that the approved scheme shall thereafter be retained during the life of the development.</p>
<p>17. Where site remediation is recommended in the Geoenvironmental Appraisal (Lithos, 3253/2A, March 2020) and/or the Gas Risk Assessment (Lithos, 016/3253/LIZ/at, 31/07/2019) development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p>	<p>This condition is still necessary.</p>

<p>18. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 17. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in the Geoenvironmental Appraisal (Lithos, 3253/2A, March 2020) and/or the Gas Risk Assessment (Lithos, 016/3253/LIZ/at, 31/07/2019)) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p>	<p>This condition is still necessary.</p>
<p>19. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p>	<p>This condition is still necessary.</p>
<p>20. Prior to development commencing on the superstructure of any part of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide one Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space. Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points</p>	<p>Details of electrical vehicle charging points have been provided as part of the reserved matters application. Nonetheless, this condition still remains necessary as it states that the charging points shall be of a minimum output of 16A/3.5kW for each residential unit that has a dedicated parking space. The charging points will also need to be installed before the development is first brought into use.</p>

<p>installed shall be retained thereafter. Reason: To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.</p>	
<p>21. The Reserved Matters application(s) referred to in Condition 1 shall include an Arboricultural Impact Assessment and Method Statement (written in accordance with BS5837:2012). Reason: To ensure tree retention and protection has been allowed for in the design of the development and to accord with policy LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.</p>	<p>This information has been submitted as part of the reserved matters application, with a revised condition proposed, to state that any future development shall be in accordance with the Arboricultural Impact Assessment and Method Statement.</p>
<p>22. Tree protection measures in accordance with BS5837:2012 shall be implemented prior to the commencement of development and shall be maintained throughout the construction phase in respect of all trees to be retained within and adjacent to the development site. Reason: To protect trees in the interests of visual amenity and to accord with policy LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure tree protection measures are implemented at an appropriate stage of the development process</p>	<p>This condition still remains relevant, as the development would need to be constructed in accordance with the tree protection measures.</p>
<p>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 in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.</p>	<p>This condition still remains relevant, as no hedgerows, trees or shrubs should be removed between 1st March – 31st August inclusive, without written consent from the LPA.</p>
<p>24. Prior to the submission of the Reserved Matters application(s) referred to in Condition 1, details of the site's baseline ecological value shall be submitted to and approved in writing by the Local Planning Authority. These details shall inform the design of the development and shall include details of measures needed to secure a biodiversity net gain. The development shall be implemented in accordance with the measures approved at Reserved Matters stage. Reason: To ensure the proposals brought forward at Reserved Matters stage are appropriately informed by the site's ecological value and the required net gain,</p>	<p>Such details have been provided as part of the reserved matters application. However, this condition remains necessary, as it outlines that the development shall be implemented in accordance with the details approved at the reserved matters stage.</p>

<p>and to accord with policy LP30 of the Kirklees Local Plan.</p>	
<p>25. The Reserved Matters application(s) referred to in Condition 1 shall include an ecological design strategy (EDS) addressing mitigation and compensation, and demonstrating a measurable biodiversity net gain. The EDS shall include the following:</p> <ul style="list-style-type: none"> • Purpose and conservation objectives for the proposed works; • Review of site potential and constraints; • Detailed design(s) and/or working method(s) to achieve stated objectives; • Extent and location/area of proposed works on appropriate scale maps and plans; • Type and source of materials to be used where appropriate, e.g. native species of local provenance; • Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; • Persons responsible for implementing the works; • Details of initial aftercare and long-term maintenance; • Details for monitoring and remedial measures; and • Details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.</p>	<p>Such details have been provided as part of the reserved matters application. However, this condition remains necessary, as it outlines that the development shall be implemented in accordance with the details approved at the reserved matters stage.</p>
<p>26. The Reserved Matters application(s) referred to in Condition 1 shall detail ball-stop netting of a height and location specified within the mitigation approach section of the Labosport report (ref: LSUK.20-0563) or an appropriate alternative that delivers the required mitigation to protect the operation of the cricket ground and the approved dwellings. The approved scheme shall be brought into use prior to the occupation of any dwelling within the ball strike risk zone. Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.</p>	<p>Details of the ball stop net have been submitted as part of this reserved matters application, in line with the Labosport Report. Nonetheless, this condition still remains necessary, as it states that the scheme (ball strike net) shall be brought into use, prior to the occupation of any new dwelling, within the ball strike risk zone.</p>
<p>27. Prior to the commencement of development, a scheme for the management and maintenance of the approved ball-stop netting or an appropriate alternative mitigation measure shall be submitted to and approved by the Local Planning Authority (following consultation</p>	<p>Whilst details regarding the height and design of the ball strike net have been submitted as part of the reserved matters application, further details regarding its management</p>

<p>and advice from Sport England). The approved scheme shall be brought into effect upon first occupation of any dwelling within the ball-strike risk zone and shall remain in operation whilst the cricket ground and approved dwelling houses remain in use. Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to mitigate ballstrike risk are devised and agreed at an appropriate stage of the development process</p>	<p>and maintenance would be required prior to commencement. As such, this condition is still considered necessary.</p>
<p>28. The Reserved Matters application(s) referred to in Condition 1 shall include measures to prevent and deter crime and anti-social behaviour. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be occupied until the measures approved at Reserved Matters stage have been implemented in full. Reason: In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.</p>	<p>Details relating to crime prevention have been submitted as part of this reserved matters application. Nonetheless, this condition still remains relevant as it outlines that the development shall not be occupied until these measures have been implemented in full.</p>
<p>30. The Reserved Matters application(s) referred to in Condition 1 above shall include a noise report that shall specify measures to be taken to protect the development from noise and shall:</p> <ul style="list-style-type: none"> • Determine the existing noise climate (daytime and night-time); • Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and • Detail the proposed attenuation and/or design measures necessary (including ventilation if required) to ensure the amenities of occupants of the new dwellings are protected. No works above ground level shall commence until the noise report has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until all works specified in the approved noise report have been carried out in full, and the approved works shall thereafter be retained. Reason: In the interests of amenity and to accord with policy LP52 of the Kirklees Local Plan. 	<p>These details have been submitted under the discharge of condition application (2022/90137). In this case, this has been considered acceptable, as development cannot commence until the reserved matters application has been approved, along with the discharge of condition (DOC).</p>