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

**STRATEGIC PLANNING COMMITTEE**

**Date: 14-Jul-2022**

**Subject: Planning Application 2021/92206 Erection of 137 homes with open space, landscaping and associated infrastructure Land Off, Woodhead Road, Brockholes, Holmfirth**

**APPLICANT**

Miller Homes

**DATE VALID**

26-May-2021

**TARGET DATE**

25-Aug-2021

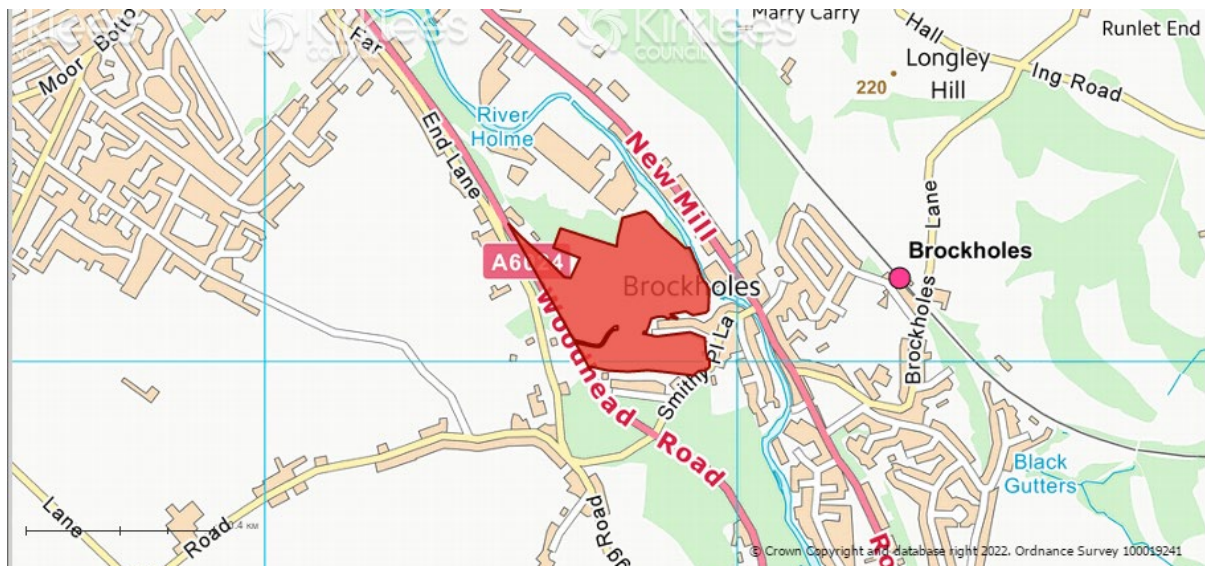
**EXTENSION EXPIRY DATE**

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

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral Ward Affected: Holme Valley North**

**Ward Members Consulted: Yes**

**Public or Private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development subject to the conditions set out in the Officer Report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – A 20% (19.7%) on-site contribution of 27 affordable homes with the following tenure split: 15 Affordable Rent, 5 Shared Ownership and 7 First Homes. [20% of 137 is 27.4, hence the delivery of 27 units due to being rounded down].
- 2) Education – A financial contribution of £546,137 made towards local schools.
- 3) Public Open Space – An off-site financial contribution of £94,288 to address shortfalls in specific open space typologies.
- 4) Biodiversity – A financial contribution of £471,500 towards off-site measures to achieve biodiversity net gain.
- 5) Sustainable Transport – Measures to encourage the use of sustainable modes of transport, including a £70,075.50 financial contribution towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring.
- 6) Off-site Highway Works – An off-site financial contribution of £33,000 towards Bus Stop upgrades and Signage improvements on Smithy Place Lane as well as a further £15,000 to contribute towards Signalised Junction improvements in Honley.
- 7) 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 and foul drainage infrastructure until formally adopted by the statutory undertaker).

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 The full planning application detailed in this report and submitted before Strategic Planning Committee is for a residential development of 137 dwellinghouses on land north and east of Woodhead Road between the villages of Brockholes and Honley.
- 1.2 As set out within the Local Planning Authority's Scheme of Delegation, the proposal is referred to Strategic Committee on the basis of its unit yield being in excess of 60 dwellinghouses.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is designated as housing allocation HS161 in the Kirklees Local Plan (KLP) and overlaps the River Holme Wooded Valley and Netherthong Rural Fringe designations in the Holme Valley Neighbourhood Development Plan (HVNDP). According to the KLP site policy, the site measures approximately 9.65 hectares in gross terms with a net developable area of 6.92 hectares.
- 2.2 The site is located off the A6024 'Woodhead Road' which forms its western boundary. To the north west, the site is bound by the employment allocation which includes the Phoenix Works and Hope Bank Works as well as three residential properties (outside the employment allocation) which include Hope Bank, Honeysuckle cottage and Ashlea. Further north and east, the site is bound by the River Holme which continues toward existing residential properties on Smithy Place Lane and Smithy Place, the latter of which extends into the site and connects it to Public Rights of Way, mentioned in further detail below. The site boundary then extends into the fields south of Smithy Place where it backs onto properties on Haggroyd Lane whose rear boundaries form the southern boundary of the proposed development site.
- 2.3 The composition of the site is largely neutral grassland that features a large variety of trees present across its centre and periphery that characterise its semi-rural setting. A significant number of the trees on and surrounding the site are subject to Tree Preservation Orders (TPO's), though it should be noted that none are located on the boundary with Woodhead Road.
- 2.4 Several Public Rights of Way (PROW) cross through the site, namely HOL/31/30, HOL/31/40 and HOL/31/60. These footpaths are located mainly across the southern and western parts of the site and provide links to Brockholes and Honley for local residents.
- 2.5 Topographically, the site slopes broadly 25m downhill from Woodhead Road at a height above sea level (ASL) of 135m to the bank of the River Holme at 110m ASL. The steepest part of the site is the bank running parallel with Woodhead Road which drops 10m in height toward the dwellings of Ashlea and Honeysuckle Cottage.

## **3.0 PROPOSAL:**

- 3.1 Full application for the erection of 137 dwellings with open space, landscaping and associated infrastructure with vehicular access provided from Woodhead Road and outfall of surface water to the River Holme via a sustainable drainage system and a pumped solution for foul water to existing sewerage infrastructure at Smithy Place Lane.
- 3.2 The development is to be comprised of a mixture of detached and semi-detached properties, with one terraced property at plot 69, that are to be accessed via a new priority junction from Woodhead Road, positioned roughly centrally along the site frontage.

- 3.3 The house-types are wholly two-storey units of 2, 3, 4 and 5 bedroom house sizes varying from 70.69 square metres (sqm) up to 155.5sqm in internal floorspace. Of the 137 dwellinghouses proposed, 27 of those would be on-site affordable homes.

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

- 4.1 The site, or parts of the site, have been subject to the following planning applications:

2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved) – Approved.

2016/92181 – Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – Refused – *Included this site and the site adjacent*

2017/92568 - Erection of 59 dwellings with associated works and formation of associated parking with vehicular access from Woodhead Road – Approved subject to Section 106 Agreement

2017/93326 - Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – Refused and appeal dismissed

#### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The following amendments to the scheme have been made in comparison to the original submission:

- Reduction in number of dwellinghouses from 146 to 137.
- An increase in the number of two-bedroom properties to provide 22 units.
- Updated Flood Risk Assessment, Drainage Strategy, Sections and Finished Floor Levels to meet Local Lead Flood Authority and Environment Agency requirements.
- Additional tree planting in front gardens and provision of orchard spaces.
- Increased distribution of the affordable housing units to prevent concentrations.
- Side parking for plots 29-32 to prevent dominance to parking which enabled trees at the rear of plots 26 to 49 to be brought into a managed area outside of curtilage to help protect the retention of these trees in the long term.
- Amendments to improve surfacing of public rights of way and newly created paths within the red line boundary.
- Introduction of two play areas, both being Local Areas of Play (LAP).
- Removal of covenanted area in south west part of the allocation from the red line boundary.

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

### Kirklees Local Plan (2019):

6.2 The application site forms part of a housing allocation in the Local Plan. HS161 relates to a net area measuring 6.92 hectares with an indicative capacity for 124 dwellings. The following site constraints are identified:

- Additional mitigation on the wider highway network may be required
- Noise source near site - road traffic noise and noise from industrial uses
- Site is within the Wildlife Habitat Network
- Part of this site contains a Habitat of Principal Importance
- Crossley Mill weir adjoins this site and is a priority structure for improving fish passage
- Any development/works within 8m of the main river watercourse must have prior consent from the Environment Agency

6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP4 – Providing infrastructure  
LP5 – Masterplanning sites  
LP7 – Efficient and effective use of land and buildings  
LP11 – Housing mix and affordable housing  
LP20 – Sustainable travel  
LP21 – Highways and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP31 – Strategic Green Infrastructure Network  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP35 – Historic Environment  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space

### Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and

- Wellbeing Plan (2018)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

#### Holme Valley Neighbourhood Plan

6.5 The Holme Valley Neighbourhood Development Plan was made at Full Council on 8 December 2021. The Plan was also made by the Peak District National Park Authority Planning Committee on 10 December as the Plan covers part of the Peak District National Park. For the Holme Valley Neighbourhood Area this means that the Holme Valley Neighbourhood Development Plan forms part of the development plan alongside the Kirklees Local Plan.

6.6 Relevant policies to this planning application include:

- *Policy 2* – Protecting & Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- *Policy 5* – Promoting High Quality Public Realm and Improvements to Gateways and Highways
- *Policy 6* – Building Homes for the Future
- *Policy 11* – Improving Transport, Accessibility and Local Infrastructure
- *Policy 13* – Protecting Wildlife and Securing Biodiversity Net Gain

#### Climate change

6.7 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

#### National Planning Policy and Guidance:

6.8 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- 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.

6.9 Since March 2014 Planning Practice Guidance for England has been published online.

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. A total of 163 representations were received.

7.2 The initial publicity of the application was undertaken in June 2021 and a further round of publicity was undertaken one year later in June 2022. The following material planning considerations were raised by representors:

### Highway, Transport and PROW Matters

- Scepticism of the effective of the off-site highway signage provision proposed on Smithy Place Lane.
- Lack of connection to Brockholes via New Mill Road.
- Proposed pedestrian integration to Brockholes via Smithy Place and Smithy Place Lane is unsafe (for all, including school children) due to lack of footway and nature of sight lines across Smithy Place Lane. This safety issue will be exacerbated by increased pedestrian use from the site.
- Criticism of proposed signage on Smithy Place Lane.
- Citation of multiple road accidents across local highways.
- Pedestrian routes to Honley require crossing Woodhead Road which is unsafe.
- The riverside should be re-designed to integrate with the riverside way.
- The development is not walkable to local centres and therefore car reliant.
- Local signalised junctions are over-capacity and cumulative development will generate negative capacity issues on these junctions and on the wider local highway network.
- Lack of footway on eastern side of Woodhead Road (prior to amendment of access layout).
- Scepticism in respect of acceptability of the access gradient into the site.
- The submitted Travel Plan contains inaccuracies.
- The speed limit of Woodhead Road makes vehicular egress from the site dangerous and users do not abide by the speed limit.
- Request for improved signage on and a reduced speed limit on both Smithy Place Lane (and Robinson Lane).

- General position amongst representors that Smithy Place is not considered a public right of way.
- Loss of footpath across the site.
- Use of Smithy Place (Robinson Lane) by cars from the site onto Smithy Place Lane which will exacerbate a dangerous bend.

### Visual Amenity/Character Issues

- Poorly designed housing estate that does not take the opportunities of the surrounding landscape and built form to create a sympathetic development.
- The development is poorly integrated with the surrounding settlement.
- Criticisms of the lack of vernacular materials such as natural stone and slate within the housing type designs despite the requirement within the HVNDP (Clause 8, Policy 2) as well as scepticism as to the appearance of reconstituted stone.
- Lack of usable greenspace.
- Criticism of 'identikit' houses and requests for the proposal to be constructed with housing design that reflects the local vernacular, specifically terraced style dwellinghouses.
- Impact on historic 'Smithy Place' village
- Criticism of lack of through roads and over reliance on cul-de-sacs
- Loss of the greenspace will affect local resident's amenity.

### Residential Amenity

- Overshadowing (The Coach House, Smithy Place)
- Loss of privacy (Wheatfield Cottage, 22 Smithy Place; The Coach House, Smithy Place) and properties across Haggroyd Lane.
- Overlooking, particularly those properties across the south east corner of the site.
- Adverse light impact caused by street lighting on Smithy Place
- Increased traffic noise for local residents
- Concern in respect of the managed areas at the rear of Haggroyd Lane and the potential for adverse dumping from new residents in this space.

### Ecology and Trees

- Removal of trees along site frontage for visibility is unacceptable to nature as well as general criticism of tree removal across the site, including TPOs.
- Mature trees cannot be replaced.
- Impact upon the protected species present on the site.
- Negative impact on biodiversity through loss of grassland, wildflowers, trees and other habitats and the consequent impact on wildlife corridors and protected species.
- Impacts of development upon pollution levels in the River Holme.
- The site is a designated SSSI Impact Risk Zone
- Criticism of lack of on-site biodiversity net gain contrary to the Environment Bill.



## Flood Risk and Drainage

- Representors highlight previous objections to the Flood Risk submissions by the Environment Agency and the potential for increased flood risk of the site given its proximity to the River Holme.
- Criticism of technical design of sustainable drainage
- Existing sewer infrastructure in Brockholes is over-capacity and the development will exacerbate this through its connection to Smithy Place.
- Drainage of existing fields is poor, possibility of Holme River bursting banks adjacent to the site and new housing will be subject to stability problems.

## Other Matters

- Impact of additional traffic on pollution levels and impact on air quality
- Increased demands on local schools which are already oversubscribed
- Impact on medical services (GPs & dental practices)
- The education contribution should be directed to Brockholes Junior and Infant School and Honley High School.
- Housing mix lacks 2 bedroom units and criticism of reduction in the number of affordable units following reduction in the number of units on site.
- The development of the site is contrary to the Kirklees declaration of a climate emergency.
- Prior to agreement on the Education contribution, many representors highlight the applicant's unwillingness to fund the contribution.
- Proposal for improvements to Biodiversity Net Gain through implementation of sustainable drainage measures outlined by 'River Holme Connections'.
- Creation of urban sprawl through merging of Brockholes and Honley.
- The homes lack sustainable design features such as solar panels or rain-water harvesting and include the provision of gas boilers. The homes are not 'future-proof'.
- The site is located in a Green Belt area and is against Green Belt principles as the development will cause Honley and Brockholes to merge together.
- The housing mix in respect of size is not representative of local needs.
- The proposed development exceeds the site yield and therefore significantly overdevelops the site.
- Economic impact on local centre from reduction in number of walkers
- Criticism of developing a greenfield site when brownfield sites are available.

## In Support

- Some representors acknowledge the need for more housing in the local area.

7.3 Following changes made to the application, as detailed at Section 5 of this report, a further round of publicity was undertaken. This involved letters to neighbours and interested parties. The publicity expired on 11th November 2019. Seven representations have been received which are summarised below.

7.3 Ward Councillor Greaves has provided the following responses on the 18<sup>th</sup> June 2021 and the 29<sup>th</sup> January 2022:

18<sup>th</sup> June 2021 Representation:

*Objection - Whilst I welcome the applicant's willingness to talk to the community, I believe that this site should not be developed, and I urge the committee to reject this application - the gradient of the proposed access is inappropriate for this size of development and this location, it would present a significant and continuous risk to highways safety. Would you ensure that the petition submitted some years back that relates to any development at Smithy Place is raised with the committee.*

*Site Visit - I request that the committee have a site visit and that they travel from the access on Woodhead Road down to Smithy Place to Brockholes. In travelling along this route I would highlight the difference in ground levels from the site to the main road, that Smithy Place is the direct route to Brockholes and where the site footpath link runs to - and the lack of pavements, the very high volumes of traffic, the poor lines of sight and that it is a narrow winding road.*

*Issues and Concerns - The application site is an open, rural location that provides a haven for wildlife and a visual break between the built up urban settlements of Honley and Brockholes. The site is publicly accessible from both settlements, and the Holme Valley Riverside way footpath runs through the centre of it, whilst the Holme Valley Green Corridor runs along the river at the farther end of the site. The site lies outside of Brockholes yet it bears no real relationship to it, nor is it clear how the site can be fully integrated into the village. New Mill Road is a very busy road and access to the village will require site residents to cross this road. Whilst there is a pedestrian crossing on the main road the footways on Smithy Place are deficient at the point in which Robinson Lane meets Smithy Place, and the steps, surface and lighting on Robinson Lane mean that this foot route is not accessible to all. This was previously highlighted to Miller homes who as part of previous public engagement had agreed to fund this work but it is not covered in the current application. The proposal shows the access road to the site as being a massive structure. It is hard to think of a more unsuitable design - the visual impact will be tremendous and will detract from any retained open space and landscaping and it runs deep into the site. The incline on the access road is much greater than that of the approved application as it comes down to a ground level which is 3m below that in the approved plan - the proposal brings the footpath in at road level, whereas the approved plan inappropriately makes the footpath an underpass. Neither is right, the footpath needs to be at ground level, but as the proposed incline is not appropriate for a housing estate off a main road, a much longer meander is needed, or an alternative access is required. The footway alongside this access road is of such a gradient that it could not be used by manual mobility equipment, nor would people reliant on such aides be able to use the footpath over Robinson Lane and Smithy Place to exit the site. Development of this site would result in the loss of the last remaining strategic gap between Honley and Brockholes. The site provides a local centre for all forms of wildlife including protected species, and it plays an important role in enabling movement and onward colonisation between wildlife areas. Whilst I would prefer no development at this location, if the site is to be developed, a sensitive and sensible proposal needs to be brought forward - the*

*developers must work to create an application that properly relates to the site and to Brockholes, and it must address all of the issues raised by residents - this current proposal does not do this and I ask the committee to reject this application.*

29<sup>th</sup> January 2022 Representation:

*Key issues - protected species, setting, connection to Brockholes and s106 school contributions*

*(a) It would be helpful to know what surveys have been undertaken to establish the extent of protected species on the site and how they will continue to be protected.*

*(b) There are extensive areas of open space within the site, but how this will be used and maintained to benefit the whole community is vague, and what impact this will have on the popular walking path through the fields and on Robinson Lane is unclear.. The riverside POS set-off and path are welcome, but how is this accessed in a meaningful way by the wider community ? Will there be paved links and public rights of way at either side ? How will this be maintained and how will the conflict between immediate residents and riverside visitors be managed ? does this*

*(c) The site address is listed at Land of Woodhead Road Honley. It isn't. The whole of the site sits within the boundary of Brockholes and the site description should show this. Whilst the site is an extension of Brockholes, the layout and design of the development means that it effectively turns it back on the village, making it an isolated and disconnected development with no real identity, not as a new neighbourhood of Brockholes which is what it should be. The only direct access is down a part paved potholed track that enters Smithy Place via steep and tricky staircase, before joining the road where there is no footway, at a very narrow point on a road that is very busy during peak hours. How will people of limited mobility be able to get around ? How does this help to promote Active Travel and the sense of connection to place ? What proposals does the developer have to address these concerns ?*

*(d) I totally reject the argument put forward by the developer to try to avoid making s106 funding contributions to the local schools. This development will have a major impact on surrounding residents, on Brockholes as a village and on the demand for local services. Whilst making a profit, the developer also needs to contribute fully towards the fabric of the community that they are benefiting from. If the developer does not value Brockholes as a place, they ought to build their homes elsewhere.*

- 7.4 The Holme Valley Parish Council have also been consulted as a statutory consultee on the application and have provided the following comments on the 1<sup>st</sup> July 2021, 8<sup>th</sup> February and 6<sup>th</sup> June 2022 respectively. The latest comment reiterates previous comments and is the only one presented below for the purpose of brevity:

6<sup>th</sup> June 2022 Representation:

Oppose because of:

- 1) Over-intensification of the site.
- 2) The development is too isolated. There is a lack of basic connectivity to the village centre at Brockholes. There is no safe cycling and pedestrian access to local amenities, services and schools, with no pavement. The highway is too dangerous at Smithy Place Lane. Developers should be prioritising identifying and developing a safe route to the local school.

3) The application continues to be weak on renewables and sustainability. The developer's "fabric first" approach is inadequate. A sustainability statement is needed with more engagement on green energy strategies. A development of this size should as a fundamental part of its infrastructure be planning for extensive, renewable energy generation across the site. The applicant is again prompted to reflect on the guidance from the Holme Valley Neighbourhood Development Plan which states that: "Promoting Renewable Energy 1. In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals for individual and community scale energy from hydro-electric, solar photovoltaic panels, biomass, anaerobic air digestion and ground source heating will be supported where they can be achieved without conflicting with the NDP policies to protect and enhance the landscape and built character of the Valley. 2. New developments should develop opportunities to deliver on site heat networks using renewable energy sources." Holme Valley Neighbourhood Development "Made" Plan, December 2021 p152 Policy 12: Promoting Sustainability. The Parish Council does welcome the increase in the number of affordable properties, and the increased engagement of the applicant/developer with some aspects of the Holme Valley Neighbourhood Development Plan.

## **8.0 CONSULTEE RESPONSES**

### **8.1 Statutory**

Environment Agency: No objections subject to conditions

Lead Local Flood Authority: No objections subject to conditions

KC Highways Development Management: No objections subject to conditions and Section 106 contributions

Yorkshire Water: No objections subject to conditions

### **8.2 Non-Statutory**

British Horse Society: Request that HOL/31 is upgraded from a footpath to a bridleway.

KC Crime Prevention: Recommendations made regarding gate alignment, protected species off-set distance and lighting plan.

KC Ecology: No objections subject to conditions and advise that the development is required to contribute a figure of £471,500 in off-setting habitat loss. This financial sum is to be secured via a Section 106 agreement.

KC Education: Advise that the development is required to contribute a figure of £546,137 to local schools. This is to be secured via a Section 106 agreement. The allocation of this funding is to be limited to the Honley and Brockholes Geographical Area. The specific metric for determining the Geographical Area is to be conducted under the S106 negotiation.

KC Environmental Health: No objections subject to conditions

KC Landscape: No objection subject to conditions

KC PROW: No objections subject to conditions

KC Strategic Housing: No objections subject to securing 27 affordable units composed of 11 Affordable Rent, 9 Shared Ownership/Discount Market Housing and 7 First Homes. The house type mix is for 18 x 2 bed homes and 9 x 3 bed homes which Strategic Housing have accepted.

KC Trees: No objections subject to condition

West Yorkshire Archaeology Advisory Service: No objections subject to conditions

## **9.0 MAIN ISSUES**

9.1 The appraisal of the application will review the following topics:

- Land Use and Principle of Development
- Transportation and Access Matters
- Layout, Scale, Visual Appearance and Landscaping Matters
- Housing, Residential Amenity and Public Health
- Biodiversity and Tree Matters
- Site Drainage and Flood Risk
- Heritage and Archaeological Matters
- Environmental Health, Site Contamination and Stability
- Climate Change
- Planning Obligations
- Representations
- Other Matters

## **10.0 ASSESSMENT**

### Land Use and 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. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 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 and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of Local Plan housing allocation HS161. Full weight can be given to this site allocation for housing development in accordance with Local Plan policy LP3 – Location of New Development. Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing, employment and other uses.

10.4 The Site Allocation Box in the Local Plan states that site HS161 has a capacity of 124 dwellings. The proposed development would contribute 137 dwellings, this is an uplift of 13 dwellings on the indicative capacity. The net site area of allocation HS161 is 6.92 hectares which would elicit, under the density of policy LP7 – Efficient and Effective Use of Land and Buildings, that the site would have a capacity of 243 dwellinghouses based upon a density of 35 dwellings per hectare. The Holme Valley Neighbourhood Development Plan (HVNDP) supporting clause 4.5.16 identifies that housing sites in the Holme Valley are more likely to generate densities in the region of 30 dwellings per hectare. This lower density would suggest an allocation yield of 208 dwellings.

10.5 The Kirklees Housing Supply Topic Paper (2017) states that:

*The indicative capacity has been determined based on the available information for each site. Where proposed Local Plan sites have received planning permission (at 1st April 2016), the number of approved dwellings has been used as the indicative site capacity. This represents a realistic assessment of the amount of housing the site is likely to deliver upon implementation of the permission. Some sites were subject to an undetermined planning application and in some cases site promoters provided masterplan information showing an indicative capacity. In these cases, the housing capacity from the planning application or masterplan was considered to determine whether it represented a realistic housing capacity for the site.*

10.6 As the indicative capacity of 124 units for HS161 is based upon the accepted methodology above, which has been found sound via the Local Plan's Examination in Public, the proposed figure of 137 dwellinghouses is accepted and welcomed as it would contribute significantly to the housing supply in the Local Area whilst achieving a higher and more sustainable density than anticipated in the Local Plan site allocation policy. The development therefore initially meets the requirements of Kirklees Local Plan Policies LP1 – Presumption in Favour of Sustainable Development, LP3 – Location of New Development and LP7 – Efficient and Effective Use of Land and Buildings.

10.7 On the basis of the above, the principle of residential development at this site is considered acceptable as it would contribute towards meeting the housing delivery target of the Local Plan. However, the identified site constraints and the development's impacts would need to be appropriately mitigated, along with the need for a high-quality development that responds to local character. These matters are considered later in this report.

#### Transportation and Access Matters

##### *Existing Highway Conditions*

10.8 The A6024 Woodhead Road forms part of the primary highway network providing a link between Huddersfield, Honley and Holmfirth and continues towards Manchester. In the vicinity of the development site, it is a single carriageway two-way road with a carriageway width of c.6.5m with a footway present on the western side. Footways are provided on both sides of the A6024 closer to Honley to the north.

10.9 The A6024 Woodhead Road is a bus route, with street lighting provided to main road standard and there are no controls on parking in the vicinity of the site. Along the site frontage it is subject to a 40mph speed limit (with repeater signage provided), which drops to 30mph c.500m north of the proposed site access.

#### *Collision analysis*

10.10 As requested by Highways Development Management (HDM), further collision analysis has been provided by the applicant in the updated Transport Assessment report dated March 2022, which includes a review of personal injury incidents that have occurred in the local area over the latest 5 year period. The study area includes Woodhead Road within the vicinity of the proposed site access (no incidents recorded), the junction of Woodhead Road / Hagg Wood Road / Smithy Place Lane (3 unrelated incidents recorded, including 1 incident related to a car exiting from Smithy Place Lane) and the junctions to the north of the site in Honley (4 incidents at the 3 associated junctions).

10.11 The Transport Assessment concludes from the accident study that 'It is not anticipated that the traffic associated with the proposed development would result in any significant safety implications on the adjacent highway network.' HDM are in general agreement with the study findings.

10.12 Due to local concerns regarding the use of Smithy Place Lane, HDM have also reviewed the collision record along this road, which confirms that there have been no personal injury incidents recorded in the latest 5 year period. Therefore, the additional 8 two-way peak hour trips (circa 1 vehicle in 8 minutes) that would be generated along this road are not considered to have a significant impact.

10.13 It is noted that at the Woodhead Road / Hagg Wood Road / Smithy Place Lane junction, the Councils Road Safety Team are aware of the accidents that have occurred; and are in the process of installing 2 No. Vehicle Actuated (VA) Crossroads signs on the Woodhead Road approaches to highlight the presence of the junction.

#### *Vehicle Access*

10.14 It should be noted that a section of the site that is the subject of this planning application has a previous outline planning consent for 59 no. residential dwellings (app. Ref. 2017/62/92568). As part of this approval, access to the site was proposed via a new ghost island priority junction taken from the A6024 Woodhead Road (c.100m north of its junction with Smithy Place), which was agreed in principle, subject to detailed design.

10.15 With respect to the current planning application, the same access arrangements that were previously accepted in principle are again proposed. However, additional improvements to the access arrangements have been incorporated as requested by HDM, with the arrangements shown on ATTP drawing 18001/P/003 Rev. E and include the following junction specification:

- 3.65 m wide through lane width passed pedestrian refuge islands and through the junction in both northbound and southbound directions;
- 3m wide right turning lane width;

- Right turn lane and tapers in accordance with DMRB standards;
- Widening of the existing southbound advisory cycle lane to 1.5m;
- Extended double white centre lines to prevent overtaking within the vicinity of the site access;
- New 2m wide footway along site frontage, with additional widening to install southbound bus shelter;
- 2 No. pedestrian refuge islands (2m x 5m);
- 4.5m x 160m visibility splays (It is noted that these are in excess of the 2.4x120m visibility splays required based on the 70kph design speed);
- 10m junction radii and junction widening to accommodate refuse vehicle turning.

10.16 Updated junction capacity assessments have been undertaken for the site access, to confirm that it is adequate to accommodate development traffic, and a Road Safety Audit has been provided for the site access works that has not raised any significant safety issues. Therefore, the in-principle site access arrangements are acceptable and would be subject to a future Section 278 (off-site highway works) application /agreement with the Council, which would require the submission of details and the full (Stages 1-4) Road Safety Audit process to be applied. This would be secured by condition.

10.17 As the proposed site access would be the sole means of access to the site, the site access should be installed to an appropriate standard from the outset so that it can be used for construction access to the site. To ensure this takes place, phasing of the highway works should be agreed with the LPA. This is also secured by condition.

#### *Internal site layout*

10.18 The internal site layout includes an initial section of spine road that is designed in accordance with the Kirklees Highway Design Guide SPD to 'Local Residential Street (Type B)' standard, with 2m wide footways on both sides and a minimum 5.5m wide carriageway (with additional widening as necessary to accommodate refuse vehicle tracking), and which follows the same alignment approved in principle as part of the previous approval at the site (app. Ref. 2017/62/92568). Further into the site, the roads transition to a number of 'Shared Surface Streets (Type C), with 5.5m carriageways and 0.6m hard margins. The Type 2 roads generally have a maximum gradient of 1:15. However, there is a short section of 1:12 gradient along the initial section of access road, which transitions to 1:15 prior to the bend at plot 1. The maximum gradient permitted for a Type 2 road is 1:10 and therefore the access into the site, at 1:12 for a short section, is well within acceptable gradient parameters.

10.19 The Type 3 roads have maximum gradients of between 1:15-1:20. The site layout has been subject to detailed negotiation with the applicant, who have now incorporated the following design features into the site layout:

- Junction and forward visibility provided within adopted highway areas;
- Visitor parking laybys provided on both Type 2 and Type 3 streets;
- Turning heads that can accommodate the Councils Design Refuse Collection Vehicle;
- Bin presentation points for all dwellings.



- 10.20 The site layout is now considered to be acceptable in principle and would be subject to a future Section 38 (on-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied for. This is to be secured by condition.
- 10.21 It is noted that the Councils Waste Strategy Team have identified that if properties are to be occupied before the site construction is complete, provision must be made for temporary waste collection in consultation with them via detail of conditions application. This is to ensure that new residents can receive a collection service whilst construction work on the site is still live, as the Councils RCVs will not enter a construction site. By consequence, this matter is recommended to be secured by condition.

### *Parking*

- 10.22 Off-street parking is provided for the majority of dwellings in full accordance with guidance contained in the Kirklees Highway Design SPD, with 2 spaces provided for 2-3 bedroom dwellings and 3+ spaces provided for 4-5 bedroom dwellings. However, 8 of the 2 bedroom dwellings are provided with 1.5 off-street spaces per dwelling (1 dedicated and 1 shared space). This compromise is determined to be acceptable by officers.
- 10.33 On-street parking is also available, which includes a number of dedicated parking laybys and additional carriageway widening to ensure that on-street parking does not block junctions and bends. HDM consider that the level of car parking now proposed is adequate to meet the needs of the development.
- 10.34 All dwellings are to be provided with an EV Charging point, as shown on drawing 05 Rev. G. This specific matter is to be secured by condition, as is the specification of solid-bound driveway surfacing. All dwellings include rear gardens with external access, which allows for secure cycle parking provision.

### *Pedestrian / cycle access and PROW*

- 10.35 Smithy Place (also known as Robinson Lane) forms part of the PROW network (PROW HOL/31/30 at the southern end leading to Smithy Place Lane and PROW HOL/31/60 at the northern end leading to Woodhead Road).
- 10.36 As requested by HDM and the PROW Team, improvements to these PROW have been agreed with the applicant, which are to include an improved bitmac surface on the southern section leading from the site access road to Smithy Place Lane, to provide an enhanced active travel link towards Brockholes. To ensure that this PROW link is not used by motor vehicle traffic associated with the development, a new 'No Motor Vehicle – Except for Access' vehicular restrictions are also proposed along this section. The applicant has also agreed to upgrade the section of PROW to the north of the site access road that links to Woodhead Road with an improved crushed stone surface, as requested by the PROW Team.

- 10.37 In addition to the above works, the applicant has also agreed to provide improved surfacing for PROW HOL/31/40 that passes through the eastern part of the site, linking Smithy Place with Woodhead Road. This would include a new bitmac surface for the section between the site access road and the play area/trim trail and an improved crushed stone surface along the other lengths of the PROW that pass through the site, details of which are to be secured via condition.
- 10.38 The above PROW improvement works (and new TRO on Smithy Place) are shown on HWAY 002 Rev. E, and would be subject to a future Section 278 (off-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied, and secured by condition.
- 10.39 Local concerns have been raised regarding the safety of pedestrians and cyclist along Smithy Place Lane when travelling between the site and Brockholes, primarily due to the lack of footway provision. HDM have discussed this matter with the Councils Road Safety Team and it has been agreed that due to width constraints along the Smithy Place Lane owing to the presence of residential properties immediately adjacent to the highway, there isn't scope to provide a dedicated footway.
- 10.40 Following a walkover with Council Officers which sought to appraise different highway safety options for Smithy Place Lane, the applicant has agreed to provide enhanced pedestrian warning signage on yellow backing boards and additional 'SLOW' road marking to further highlight the presence of pedestrians in this shared surface road. In addition to this, improvements to the base of the steps that connect PROW HOL/31/30 to Smithy Place Lane are also proposed to provide an improved area for pedestrians to stop and wait before entering Smithy Place Lane, which includes levelling out the waiting area at the base of the steps and improving the adjacent kerb line (using the existing stone kerbs and cobbles).
- 10.41 The above works on Smithy Place Lane (and works to the steps) are shown on HWAY 001 Rev. B, and would be subject to a future Section 278 (off-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied. The aforementioned improvements are to be secured by condition.
- 10.42 It is appreciated that many representors have concerns for the welfare of pedestrians travelling from the site via Smithy Place Lane to access services in the settlement of Brockholes. Officers are cognisant of the issues highlighted and have sought to provide the most realistic and achievable improvements to Smithy Place Lane in the form of signing and lining to highlight the safety implications in this area. It is recognised that many individuals would not consider the measures sufficient to ensure the safety of pedestrians. However, Officers need to highlight the context by which the current set of improvements is made which restrict alternative safety improvements being implemented. Firstly, a large proportion of users travelling from or via the development to Brockholes via Smithy Place and Smithy Place Lane, would utilise the stairway connecting both. This stairwell is to be improved at the point where it connects to Smithy Place Lane, and this has been recommended by way of condition. The distance from the stairway to the nearest footway adjacent 4 Holmebank

Mews, the distance whereby pedestrians would walk on the shared use part of the highway, is 37m. This is considered a short distance that can be covered in a relatively short period of time which, by association, contextualises the level of risk experienced by pedestrians who would need to travel alongside vehicular traffic across this 37m stretch. Officers do not suggest that there is no risk to pedestrians in this area. However, such highway users are not required to share the available highway width with vehicles over a significant distance, and based on a review of accident records on Smithy Place Lane, where there have been no injury related accidents associated with pedestrians over the last 20 years, this demonstrates that any incident risk is low.

- 10.43 The options to install a footpath or restrict traffic to one-way only on Smithy Place Lane have both been explored and discounted. The former does not have a realistic prospect of being achieved as it would require the sale of third party land in order to install a footway and this is not considered a reasonable request of the applicant given that the use of the land required is formed of residential curtilage. Making a planning permission contingent on such a requirement is highly likely to be upheld at appeal as it is unlikely to be deliverable. The latter option of restricting traffic to a one-way flow is also not desirable from a highway management perspective as Smithy Place Lane is an important local connection between New Mill Road and Woodhead Road. The effect of such a restriction would be to divert traffic via Honley and Holmfirth, thereby increasing journey times and adding to traffic congestion. Such a measure is also considered to be disproportionate relative to the small gain in safety that it may potentially achieve.
- 10.44 Consequently, the safety improvement measures outlined on HWAY 001 Rev. B for Smithy Place Lane are determined to be proportionate, reasonable and pragmatic in highlighting safety implications to all highway users in this area of the network.
- 10.45 As the development involves works that would impact on the existing PROW network, it is understood that temporary PROW closures/diversions may be required. However, there is a need to retain public access between Smithy Place Lane and Woodhead Road throughout the construction process. Therefore, construction phasing must ensure that access is maintained at all times wherever practical (short term temporary closures may be required when undertaking works that directly effected the PROW's). Therefore, construction works should be phased to ensure that public access is maintained throughout the construction period, which should be secured by condition.

#### *Public Transport Accessibility*

- 10.46 The nearest bus stops to the site are located on both sides of the A6024 Woodhead Road, c.100m south of the proposed site access and immediately north of Robinson Lane, which are accessible via the new continuous footway links and pedestrian refuge islands. These stops are served by 2 buses per hour, providing access between Huddersfield and Hepworth (via Holmfirth).
- 10.47 There are also bus stops present on both sides on the A616 New Mill Road c.450m from the site, which provide a further 2+ buses per hour that provide access between Huddersfield and Holme/Upperthong/Holmfirth/Farnley Tyas.

- 10.48 As requested by HDM/WYCA, the applicant has agreed to provide improvements at the two nearest bus stops on Woodhead Road, which include a new shelter and realtime display at the southbound stop (Stop ID 27870) and new realtime display at the northbound stop (Stop ID 19149). Based on the latest costs provided by WYCA, a financial contribution of £33,000 (1 x shelters at £13,000 and 2 x £10,000 per RTI display) is to be provided and secured by S106 agreement.
- 10.49 The nearest railway station to the site is in Brockholes, which is located on Riding Fields circa 1.3km from the site. Honley Railway Station is located on Station Road circa 1.4km from the site. The applicant states that both are within a reasonable walking and cycling distance of the site and are on the Huddersfield to Sheffield Northern Line which has a service frequency of every 60 minutes throughout the day and in the evenings. HDM agrees that the proximity of local train stations is within walking distance from this site. However, due to local topography, it is considered that the station is only likely to be accessible to more able pedestrians and cyclists.

#### *Travel Plan*

- 10.50 A Travel Plan (Ref. P1401P - Rev. 6) dated May 2022 has been provided in support the development, which has been amended to address comments provided by HDM. The Travel Plan is now considered acceptable and is intended to be secured via an Section 106 agreement.
- 10.51 The Travel Plan commits to the provision of a Sustainable Travel Plan Fund, which would be used by the sites Travel Plan Coordinator to provide incentives to residents to travel using sustainable forms of transport. This is anticipated to include measures such as the provision of bus/rail tickets, cycle vouchers and other measures agreed with the LPA. The value of the Travel Plan Fund has been established based on the cost of the Residential MCard scheme (£511.50 per dwelling), which equates to a total Sustainable Travel Plan Fund of £70,075.50 and would be secured via S106 agreement.
- 10.52 Kirklees Council requires developers to contribute to the cost of implementing and monitoring Travel Plan progress, with an annual fee charge for the initial five year monitoring period, with two rates based on the size of the development. For this development, the lower rate that applies to 'Small Scale Major Development' (residential developments of between 50-199 units) is applicable, which is £2,000 per annum for the first five years from the development being brought into use. The above fee covers assistance with the development of the Travel Plan and assist the Travel Plan Coordinator in implementing, maintaining, and monitoring the approved Travel Plan. The total Travel Plan Monitoring Fee is £10,000 (5 x £2,000) and would be secured via S106 agreement.

#### *Trip Generation, Distribution and Traffic Capacity Assessment*

- 10.53 It is noted that due to the Covid-19 pandemic, HDM agreed at the pre-app stage that it was not appropriate to undertake new traffic counts and as such TEMPRO growth factors for the Kirklees 053 MSOA (in which the site is situated) have been applied to 2015 survey data in order to establish future base and design year assessments. This approach is still considered to be acceptable.

- 10.54 The trip rates that have been utilised (previously agreed by HDM of between 0.7-0.8 per dwelling) are acceptable and present a robust assessment of development traffic generation. Based on the provision of 137 dwellings, the development is forecast to generate 107 and 113 two-way vehicle trips during the AM and PM peak hours respectively. In the immediate vicinity of the site this equates to an increase in vehicular trips of approximately two vehicles per minute. It is noted that as part of the Travel Plan, a target has been set to reduce the level of peak hour vehicle trips by 10% over a 5 year period.
- 10.55 The weekday peak hour traffic distribution for the development has been based on method of travel to work data obtained from local census information (MSOA Kirklees 053). This approach is considered acceptable for junction capacity assessment purposes. The extents of the junctions assessed within the supporting Transport Assessment were agreed with HDM at the pre-app stage. Following review of the net increases in development traffic during weekday AM and PM peak periods set out within the Transport Assessment, it is identified that the only junctions where there would be a significant increase in peak hour traffic (e.g. over 30 two-way trips) would be the signalised junctions to the north of the site in Honley. These include up to a 5.5% increase (in AM peak) at the A6024 Woodhead Road/Station Road/Eastgate junction and up to a 3.2% increase at the A6024 Woodhead Road/ A616 New Mill Road junction, when considering the traffic impact from the 137 dwellings now proposed.
- 10.56 It is noted that as a development of 59 dwellings has previously been consented at the site, the net impact of this additional development traffic would be lower than when considering the site as a whole (e.g. the net increases cited above would result from the additional 78 dwellings now proposed).
- 10.57 The Transport Assessment includes detailed capacity modelling of the above junctions and concludes that 'with the addition of the development generated trips the impact on the capacity and queue lengths at the junctions on the study area are minimal and are not forecast to result in a significant detrimental impact upon the network.' HDM and the UTC Team have reviewed the submitted junction modelling, and whilst the modelling approach that has been used is not fully accepted, it is considered that the development would not have a severe impact on junction operation.
- 10.58 Notwithstanding the above, it is clear that at the two signalised junctions in Honley there are existing operational issues that occur, which would be further impacted by development traffic. As observed through on-site observations by both UTC and HDM officers, queuing occurs on both the Station Rd and Woodhead Rd North approaches, which extends to upstream junctions during both peak and nonpeak periods. These extended queues then create consequential issues at the upstream junctions, which would be exacerbated by additional traffic from the development.
- 10.59 Therefore, to mitigate the traffic impact of the development, a financial contribution of £15,000 has been sought towards signal optimisation works at the Honley junctions. This contribution would be pooled with a contribution already secured for signal optimisation works of £10,000, which has been secured from another development site in Honley (Application 2019/62/91730/W at Scotgate Road). These combined contributions would fund the installation of SCOOT / MOVA, kerbside detection or other signal optimisation works as devised by the UTC Team, which would improve the

operation of the junctions and help to mitigate the impact of additional traffic and queuing that would otherwise occur.

- 10.60 It is noted that the additional £15,000 contribution is proportionate to the contribution secured from the Scotgate (95 dwellings) development, has been agreed by the applicant, and would be secured by S106 agreement.

#### *Construction Access Management*

- 10.61 During construction of the development, construction access management practices should be implemented that address any potential impacts arising from the development and ensure that the site operates efficiently and safely, and minimises impact on existing highway users including users of the PROW that are effected by the development.

- 10.62 Therefore, a scheme identifying the construction access management practices must be agreed to address construction access arrangements, hours of operation, treatment of delivery vehicles (wheel washing requirements, sheeting etc), access routes to/from the site and parking arrangements, which is to be secured by condition. A separate condition should also be secured for carriageway, footway and PROW condition surveys (pre and post construction).

#### *Conclusion*

- 10.63 The evidence submitted in support of the application relating to transport matters has been robustly reviewed by KC HDC. Negotiations with the applicant have secured highway capacity optimisation and safety benefits (subject to an S106 agreement and the recommended conditions) above existing levels that would otherwise not be brought forward. The general impact of the development on highway safety and capacity is relatively low and where it does exacerbate issues it does so at a low to moderate level as explained in the assessment above. The development seeks to overcome these identified transport issues through both the Section 106 process and by way of appropriately worded conditions which Council officers consider makes the development acceptable. For these reasons, the proposal is recommended to members as being in line with Policies LP20, LP21, LP22, LP23 and LP31 of the Local Plan as well as Policies 6 and 11 of the HVNDP.

#### Layout, Scale, Visual Appearance and Landscaping Matters

- 10.64 Policy LP24 – Design of the Local Plan states that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Policy 2 of The HVNDP states the following:

*The built character of the Holme Valley is described for each of the Landscape Character Areas (LCAs) in the Holme Valley Heritage and Character Assessment. The built character and form varies within and across each of the LCAs. The section on Character Management Principles sets out that 'In general, the design, form and pattern of new development should respond to the historic local vernacular within the parish, using local materials. Development should also respond appropriately to the immediate context, taking into account layout, scale, density and appearance (including materials) of neighbouring buildings. Specific consideration should be given to the conservation areas within the study area to ensure the conservation and protection of key heritage assets.'*

10.65 The supporting Landscape & Visual Appraisal states the following:

*There are only short and medium distance views of the proposed site. Short distance views are from the public footpaths that cross the site and the immediate roads and residential areas. Medium distance views are from Ridings Fields, but the proposed development will not change the character of the existing view...*

*The only medium distance view of the proposed site is from Ridings Fields. The views from here are characteristic of the area, with industrial units and residential development broken up by tree belts and areas of woodland. The proposed development would not change the character of the area. There are no long distance views of the proposed site....*

*The proposed development would infill an area of land that is already constrained by development and man made features. PA Welding Allsops Ltd. and other industrial buildings to the north. Existing housing and industrial units along New Mill Road, Holmebank Mews and Ridings Fields are located to the east. Smithy Place and Haggroyd Lane to the south and the Woodhead Road (A6024) to the west.*

*The sensitivity of the landscape has been assessed as good/medium. The site contains habitats of moderate distinctiveness and is an attractive area to walk through however, the area is in an existing landscape of pockets of developments and industrial units dotted throughout the landscape.*

*The sensitivity of the landscape has been assessed as Medium. Whilst the site is visually attractive, it also has the capacity to incorporate a development due to its location and tree cover. The site is located at the bottom of a valley, which restricts long distance views and is surrounded by wooded areas and tree belts which help to block views and break up areas of development, giving the impression of a more rural and wooded landscape than the area actually is.*

10.66 LPA Officers agree with the conclusions drawn within the submitted Landscape & Visual Appraisal and would add that the main views of the site would be experienced by users of Woodhead Road and Smithy Place. As Haggroyd Lane is well-screened from view, particularly from Woodhead Road, the appearance of the development would largely be viewed in isolation and therefore it is better able to set the terms of its own legibility and appearance than a development that would be more obviously contrasted with existing development.

10.67 The scheme was initially proposed with 146 units which, through negotiations with the Design and Conservation Group Leader, resulted in a reduction to 137 units to reduce the cramped nature of some plots. Similarly, further negotiations between the applicant and the Case Officer resulted in significant alterations to dwelling-types beside the River Holme which have since overcome the objections from KC Design and Conservation in respect of the scheme's layout being 'insular'. Consequently, dwellings now face out toward the river, despite the site's challenging levels. Those properties also overlook a newly installed riverside footpath that is intended to provide an attractive vista from which to experience the River Holme. Notably, the development also sympathetically allows central pockets of interest around isolated protected trees (i.e. T20, T77, T95 and T104). This is achieved through principle elevations facing onto these mature trees to provide communal pockets of open space that new residents can enjoy whilst adding to the visual appeal of the development.

- 10.68 LPA Officers appreciate concerns highlighted by residents in respect of the scheme being poorly designed and integrated with the surrounding landscape, but do not fully share these concerns. There are some opportunities on the site that could be more sensitively exploited, such as the spinal tree column formed by T30 through to T50, but such a layout alteration would incur a significant loss of units that would potentially result in the yield falling below the site policy requirement. Given the fact that the Council is subject to an Action Plan in respect of the Housing Delivery Test, the retention of units up to and above the indicative site policy is necessary to ensure that the Council meets the Housing Delivery Test going forward.
- 10.69 In respect of criticisms regarding a lack of integration of the development with the surrounding settlement, the scheme's design has evolved based upon the constraints of the site given its steep topography, the location of the River Holme and build pattern of the existing built environment. Indeed the connections toward Brockholes are restricted by the River Holme as well as the properties along Smithy Place Lane which offer little to no opportunity for providing a dedicated pedestrian access. The garage site on the northern side of the River Holme, accessed from New Mill Road, has been cited as an opportunity for providing a bridge over the river. Following further investigation by the applicant, the garage site is known to be subject to 7 different owners, is not currently available for development and would require significant loss of habitat (including mature trees) directly upon the river to enable such a connection. Consequently, the surfacing improvements proposed to Smithy Place and the signage improvements proposed to Smithy Place Lane are the most pragmatic and realistic connectivity improvements that can be made in respect of linking the development to Brockholes.
- 10.70 Connectivity to Honley is improved via formalisation (through hard surfacing) of the trodden, but unsurfaced, footpath that crosses from beside Plot 4 and Plot 11 highlighted on the Landscaping Masterplan and onward beyond the existing dwelling of Ashlea. This is the most direct pedestrian route from the development site towards Honley and cannot be further improved. An alternative route that begins earlier upon Woodhead Road from the main access would provide a safer crossing opportunity toward Honley through the inclusion of the 2no. pedestrian islands stated in the previous transportation section. Consequently, integration with the surrounding settlements has been fully explored and where possible, are subject to surfacing and/or safety improvements to promote their use.
- 10.71 Criticisms in respect of a reliance on cul-de-sac's is note by LPA Officers, however through road connections are limited on the site. Indeed Smithy Place and its access to Smithy Place Lane would not be able to safely accommodate a through connection for vehicles as detailed in the previous transportation section.
- 10.72 The surrounding area is highly varied in respect of the composition of existing dwellinghouse stock. The more isolated dwellings to the west and south of the site as well as those on Haggroyd Lane, Smithy Place and Smithy Place Lane are largely composed of independently designed detached dwellinghouses. A more modern townhouse style development is located on Holmebank Mews whilst New Mill Road is subject to a mixture of mid-20<sup>th</sup> Century semi-detached properties and earlier terraced housing. A further modern extension to Brockholes can be observed across Ridings Fields on the opposite side of the valley. Overall it is considered that the built form and scale of residential



development in the surrounding area is highly diverse with a predominant scale of two storeys in height barring some properties on Smithy Place Lane and Holmebank Mews which are three storeys in height. The entirety of the development proposed under this application is two storeys in height and consequently accords with the built form of the local area in respect of scale.

- 10.73 Given that the site has a range of semi-detached and detached dwellinghouses that match the surrounding composition of Brockholes, it is considered that the proposal is fairly reflective of the existing development pattern. Though house-types are reflective of those used outside the borough, this does not mean that they are not of a high quality appearance. Indeed LPA Officers would argue that the dwelling types proposed are of a higher quality appearance than a significant proportion of 20<sup>th</sup> Century development that can be viewed across Brockholes. Arguments in respect of terraced housing being more reflective of some older parts of Brockholes are noted, and it is not denied that the site could have alternatively been designed to include more of this style of dwellinghouse. That being said, the applicant has designed the scheme to meet market needs for modern living and though terraced housing is appropriate in dense urban areas, the site is in a semi-rural location which reflects the urban grain of the surrounding settlement – being that the surrounding area is also composed of detached and semi-detached units.
- 10.74 In respect of materials, the site is mostly within Landscape Character Area 4 – River Holme Settled Valley Floor. LCA 4 requires the preservation of stone walling, but does not require inclusion of natural stone elevations to buildings. The site is also partially within LCA 5 which requires consideration of local materials for repairs but also requires retention of dry stone walls. Clause 8 of Policy 2 within the HVNDP also states that local gritstone should be used where these are a prevailing material, however it also states that materials must be chosen to complement the design of the development and add to the quality or character of the surrounding area.
- 10.75 The site is proposed to be developed with re-constituted stone, not natural sandstone from a local source. A proportion of existing residential development surrounding the site does incorporate some form of sandstone in its elevations, however the entirety of Holmebank Mews has been developed without this and sets a precedent for the use of re-constituted stone in this instance. That being said, the contrast between natural stone and re-constituted stone under this proposal is anticipated to be significantly lower than that witnessed between the newer properties of Holmebank Mews and the older properties on Smithy Place Lane. This is because the dwellinghouses on these streets are subject to a low height to width street ratio that brings these two materials into closer contrast. Conversely, and as intimated in paragraph 10.66, this proposal is largely distinct from pre-existing development on Smithy Place and Haggroyd Lane. Indeed the dwellings proposed on the site mostly back onto and share boundaries or buffer zones with the existing dwellings on Smithy Place and Haggroyd Lane. As such, the re-constituted stone proposed under this development is considered to be more distinct from existing properties on Haggroyd Lane and Smithy Place because the contrast between the two materials would not be brought into as sharp relief as is the case on Smithy Place Lane.

- 10.76 The overall design approach to the dwellings is considered to be acceptable and the proposed facing materials of artificial stone and concrete tiles are acceptable subject to a condition requiring the approval of samples.
- 10.77 As detailed in the Stone Boundary Plan (10 – Rev C), the development retains the majority of existing dry stone walls across the site and, where some walls are lost, such as the wall between plots 115 and 116, these are replaced elsewhere, such as beside the turning head of plots 108 to 111. Overall the scheme meets the requirements of HVNDP LCAs 4 and 5 that the site is situated within.
- 10.78 In respect of usable Greenspace, the scheme is to provide two Local Areas of Play and further informal shared spaces around protected trees T20, T77, T95 and T104. The path beside the River also provides a looped route to promote use of a more natural area of open space. A large amenity grassland for informal use is also positioned across the northern part of the site where the drainage attenuation is located. There are some shortfalls in open space typologies which has resulted in an off-site financial sum of £94,288 to be secured via a Section 106 agreement. As the applicant has agreed to the financial contribution for off-site public open space improvements, and is also providing significant on-site improvements, LPA Officers consider that the scheme sufficiently meets on and off-site needs for open space.
- 10.79 Representors have cited how the loss of the fields to development will affect local residents amenity from a visual/communal perspective. LPA Officers appreciate these concerns, however the site was reviewed by an independent Planning Inspector who agreed to allocate the site for residential development under the Examination in Public of the Local Plan. The proposal improves and formalises pedestrian links on the core walk/cycle network and these routes will still be adjacent to open spaces. Though some loss of landscape character is inevitable with developing a site such as this, it has to be balanced with the wider benefit of providing homes, including affordable homes, to meet the needs of the local area and wider Borough.
- 10.80 To conclude, though there are some missed opportunities concerning the appearance/layout of the scheme, these are not at a level that would warrant or justify a refusal of the application based on harm to visual amenity or to the wider landscape. The applicant has responded to requests to improve the scheme, as highlighted above, which have resulted in a more attractive, green and connected development being brought forward that meets the requirements of LP24 – Design, LP32 – Landscape and LP63 – New Open Space of the KLP as well as Policies 1 and 2 of the HVNDP.

#### Housing, Residential Amenity and Public Health

##### *Housing Mix*

- 10.81 Kirklees Local Plan Policy LP11 – Housing Mix and Affordable Housing requires all proposals for housing to contribute to creating mixed and balanced communities in line with the latest evidence of housing need. All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than

10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

- 10.82 Paragraph 7.6 in the Kirklees Strategic Housing Market Assessment 2016 (SHMA) alludes to three key dwelling types particularly required across Kirklees, those being: 3 bedroom houses, 4+ bedroom houses and 1-2 bedroom houses. As set out in the table below, the development provides for all of these house sizes. Table 7.8 of the SHMA indicates that the net imbalance in annual housing requirements for 1/2 bedroom properties in the Rural West of Kirklees, of which Honley and Brockholes are a constituent part, is 207 units. The distribution of the house types on this proposed development is somewhat tailored towards the 4+ bed end of the spectrum. However, given that these units meet an identified need, is acceptable in respect of Policy LP11. The development is also bringing forward 30no. 2 bedroom units that equates to 14.5% of the annual need (207 units) in this part of Kirklees.
- 10.83 Policy 6 of the HVNDP requires the development of one bedroom properties alongside that of two bedroom properties. The SHMA aligns two bedroom properties alongside that of one bedroom properties in respect of 'need' and therefore, given that the development provides two bedroom properties within that defined need, the lack of one bedroom units does not warrant a refusal in this instance.

#### *Affordable Housing*

- 10.84 Taking into account the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, as is the case for this application. The proportion of affordable homes should be 20% of the total units on market housing sites.
- 10.85 The development is proposing 27 affordable dwellinghouses to be delivered on-site that equates to 19.7% of the site yield of 137 dwellinghouses. This is 0.3% below the 20% requirement stipulated under Policy LP11 but is justified on the basis that 20% of 137 [site yield] equates to 27.4 units which is rounded down to 27 houses as it is below the .5 required for rounding up. 40% of a unit cannot be delivered therefore a whole number is needed for the purposes of delivery. This is standard practice and provides broadly a 20% delivery of on-site units which is considered policy compliant. The 27no. affordable units are divided into 18no. 2 bedroom units and 9no. 3 bedroom units. This affordable housing mix meets the needs for affordable housing indicated in the SHMA in respect of dwelling sizes and has been accepted by KC Strategic Housing.
- 10.86 A point of contention in terms of the affordable housing offer from the applicant related to the tenure split to be delivered. KC Strategic Housing confirmed in their consultee responses that the tenure split should reflect a 45% Intermediate housing component (including a 25% overall component for First Homes) and a 55% component of Affordable Rented units. This would equate to 15no, Affordable Rented units, 7no. First Homes and 5no. Intermediate/shared ownership units.

- 10.87 Following on-going S106 negotiations the applicant has agreed to offer the policy-compliant mix of 15no. Affordable Rented units, 7no. First Homes and 5no. Intermediate/shared ownership units. This offer reflects a 55% Affordable Rent to 45% Intermediate tenure split. This is in line with local needs as evidenced in the SHMA 2016.
- 10.88 The number, size and tenure type of the affordable units would be secured via the Section 106 process, subject to the agreement of Strategic Committee with the recommendation of this report.
- 10.89 In respect of the layout of the affordable housing, subsequent amendments to the scheme have ensured that affordable units are ‘pepper-potted’ across the site in line with guidance. KC Strategic Housing have welcomed this improvement to the development which is reflected on the latest ‘Planning Layout’ plan.

*Amenity of Proposed Dwellings*

- 10.90 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council’s other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.91 Although the Government’s Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council’s Housebuilder Design Guide SPD. NDSS is the Government’s clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant

House Type	House Type Description	Number of units	Sqm (GIA)	NDSS Sqm (GIA)
<i>Open Market Sale</i>				
Overmont	Semi-detached, 2-bed, 2-stories	6	76.09	70
Kingston	Semi-detached, 3-bed, 2 stories	6	<b>80.73</b>	84
Eaton	Detached, 3-bed, 2 stories	17	94.38	84
Tiverton	Detached, 3-bed, 2-stories	8	90.30	84
Maplewood	Detached, 4-bed, 2 stories	15	117.89	97
Oakwood	Detached, 4-bed, 2-stories	10	128.95	97

Sherwood	Detached, 4-bed, 2-stories	13	130.06	97
Baywood	Detached, 4-bed, 2-stories	2	130.81	97
Cedarwood	Detached, 4-bed, 2-stories	14	134.52	97
Castleford	Detached, 5-bed, 2-stories	11	148.74	110
Thetford	Detached, 5-bed, 2-stories	8	155.51	110
<b>Total Units</b>		110		
<i>Affordable Homes</i>				
Rosamond	Semi-detached, 2-bed, 2-stories	16	70.69	70
Overmont	Semi-detached/terraced 2-bed, 2-stories	2	76.09	70
Harrison	Semi-detached, 3-bed, 2 stories	8	84.26	84
Kingston	Semi-detached, 3-bed, 2 stories	1	<b>80.73</b>	84
<b>Total Units</b>		27		
<i>Total Market Units Below NDSS</i>		6		
<i>Total Aff. Units Below NDSS</i>		1		
<b>Total Below NDSS</b>		7 (5.1%)		

10.92 As reflected above, 5.1% (approximately 1 in 20) of the site's residential units are proposed below the indicative standards of the NDSS and these are concentrated under the Kingston House Type. The units proposed that do not meet the NDSS are 3.17sqm below the applicable 84sqm requirement. LPA Officers consider that the shortfall of the Kingston house type below the best practice standard and overall, the proportionally few units proposed as a Kingston house type in the scheme, do not justify refusal of the application on space standard grounds in this instance. Given that the NDSS standards are best practice at Kirklees, are not cited in the KLP, and that 95% of on-site units exceed of far exceed the NDSS, a refusal of the scheme on the basis of NDSS would likely result in an upheld appeal under Section 78 of the Town and Country Planning Act.

10.93 All of the proposed dwelling houses have been reviewed and are found to benefit from adequate outlook, privacy and natural light. Adequate distances would, in most instances, be provided within the proposed development between the new dwellings. In the main, each dwelling house would have adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents as required by the Housebuilders SPD. It is acknowledged that the private gardens of some plots would be affected by boundary trees to be retained. However, it is considered that it would be up to the prospective buyer to decide whether or not the desired property garden meets their requirements and, in most cases, it is anticipated that the potential effects of shading are outweighed by privacy gains from canopy spread relative to adjacent windows.

## *Amenity of Existing Dwellings*

- 10.94 This section of the report reviews matters pertaining to overshadowing (light loss), overlooking (privacy) and overbearance of existing dwellings surrounding the site.
- 10.95 Plot 127 has an elevation with no habitable windows facing 22 Wheatfield Cottage on Smithy Place and therefore the potential for loss of privacy is considered to be relatively low. The window serving the landing on the northern elevation of plot 127 is small and serves a circulation space, with views extending in excess of 16m from that elevation to Wheatfield Cottage opposite. The combination of the separation distance between the properties, the size of the window and the space it serves mean that the privacy of Wheatfield Cottage, and the dwellings immediately adjacent, would largely be preserved. There is no separation distance standard within the Housebuilders SPD for the elevational relationship identified above and therefore 16m is considered sufficient between the existing and proposed plots across Smithy Place.
- 10.96 Plot 136 and 137 have no habitable rooms facing the Coach House or Wheatfield House. Though the semi-detached units are positioned at a higher level than the existing properties, they are partially screened behind a tree on Smithy Place. The situational relationship between the proposed dwellings and that of the aforementioned existing properties is within acceptable and reasonable parameters.
- 10.97 15 Smithy Place Lane shares its western boundary with plots 123 through 127. LPA Officers have conducted a site visit to assess this property and can confirm that no habitable room windows are present on the western elevation of this property. The western elevation sits partially beside a retaining wall and acts as a side elevation. The distance between the rear elevations of plots 124 and 125 relative to No.15's western side elevation are, at a minimum, greater than 18.4m and therefore well above the 12m minimum requirement between rear elevations with habitable room windows and side elevations without habitable room windows. The southern part of No.15's curtilage is overlooked by Plots 123 and 124, however this is a shared space visible from Smithy Place Lane and a threat to amenity is not incurred. The occupants of No.15 expressed concern in respect of their southern bedroom window losing privacy from Plots 123 and 124, however further analysis by LPA Officers confirms that there is a perpendicular elevational relationship between the proposed and existing dwellings such that only oblique views might be gained from the raised level of plot 123 relative to the affected window serving No.15. Consequently, no direct privacy loss is anticipated for the existing dwelling from its relationship with plot 123
- 10.98 No.15's main private outdoor space is positioned beyond its northern rear elevation. The western boundary of No.15's rear curtilage is well screened from view from potential overlooking from Plots 125, 126 and 127 due to the presence of 5no. mature TPO'd trees. These trees overhang the boundary and provide screening to No. 15. The occupant of No.15 verbally conveyed their concern should any works be carried out to the trees which may affect their privacy. LPA Officers reassured the occupant that the trees are protected and that any works would require a separate Tree works application. The recommended Arboricultural Method Statement condition also requires the applicant to seek the consent of the landowner for works to trees that overhang but are not within the red line boundary of the site. A landscape buffer will also protect these trees.

- 10.99 Plots 111 through to 122 have a significant offset in excess of the minimum 21m relative to the dwellings on Haggroyd Lane and privacy loss to these existing dwellings is further minimised by the presence of a landscape buffer and their higher topographical relationship relative to plots 111-122. A management company is to be secured for the maintenance of the landscape buffer areas via the S106 process. A representation has been received by the Council expressing concerns in respect of dumping in landscape buffer areas at the rear of dwellings and further representations have been received on behalf of the residents of Haggroyd Lane which sought plots 113 to 122 being moved further north within their plot.
- 10.100 Matters relating to dumping of garden waste or litter are an offence which should be reported to the police. The Planning System cannot account for individual action in all instances and the purpose of the landscape buffer is to maintain the amenity of existing residents. With regard to re-siting plots 113-122 further north, the majority of these dwellings are not able to be re-sited further north due to the need to maintain sufficient parking space standards required by the Highway Design Guide SPD. Those plots which do have side of plot parking, would then be moved awkwardly beyond the common building line thereby adversely impacting the appearance and visual amenity of the street. Re-siting to the north would also reduce opportunity for front of plot landscaping that would further erode the quality of the Streetscene.
- 10.101 Plot 102 has an oblique view into Wheatfield House's rear curtilage, but given the breadth and maturity of that dwelling's amenity space, the potential for loss of privacy is not considered to be at an unreasonable level. The distance between the rear of plots 90-95 and the rear elevations of existing properties on Smithy Place is plotted in excess of 21m. The proposed dwellings at plots 90-95 are at a lower topographical level thereby further reducing the potential for overlooking/privacy loss.
- 10.102 The submitted plans indicate that a minimum of 24.4m separate plots 11 through to 14 relative to the existing dwelling of Ashlea – 3.4m above the minimum required by the Housebuilders Design Guide SPD. These distances are significantly increased for plot 15 relative to Honeysuckle Cottage and Hope Bank. The rear elevation of Ashlea is also set at an alternate angle relative to plots 11-14 which further reduce the risk of privacy loss into habitable room windows. Plots 16-19 are sited approximately 23.61m from the side elevation of Hope Bank, and though a conservatory is located on this elevation, the distance is far in excess of the 12m minimum required in the SPD.
- 10.103 Across the site, plots which share boundaries with landscape buffer zones or public open spaces shall be subject to removal of their permitted development rights with respect to boundary treatments. Plots 122 and 123 would be subject to removal of their permitted development rights to protect the foul water connection (easement)
- 10.104 Overall the development largely maintains the amenity of dwellings which share a boundary or landscape buffer with the proposed dwellinghouses.

- 10.105 Representors on Smithy Place have expressed their concerns with regard to the impact of adverse lighting levels upon the enjoyment of their property resulting from the proposed installation of lighting columns across Smithy Place alongside the surfacing improvement measures to PROW HOL/31/30. Given that KC Streetlighting have confirmed that it is not standard practice to illuminate public rights of way, the proposal to install lighting has been rescinded to ensure that residents of Smithy Place are protected.
- 10.106 Comments in respect of increased traffic noise resulting from the site cannot be substantiated. There are no through roads from the site onto Smithy Place, Haggroyd Lane, Smithy Place Lane or New Mill Road which could incur greater use immediately adjacent to existing residential properties and therefore this matter, though a material consideration, is not determined to be a serious threat to amenity for local residents.

### *Conclusion*

- 10.107 For the reasons set out above, the proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers whilst meeting the housing mix and affordable housing provision required in Kirklees. It would therefore comply with the objectives of Local Plan policies LP11 and LP24 as well as Policies 2 and 6 of the HVNDP.

### Biodiversity and Tree Matters

#### *Trees*

- 10.108 The amendments to the proposal do affect the tree cover both directly and indirectly. Following a site meeting between KC Trees Officers and the applicant's Arboricultural Consultant it became clear that the consequence of the site being brought forward for residential use had not been fully considered in the initial plans first submitted with the application.
- 10.109 From a trees perspective, the most important change resulting from ongoing amendments sought to the development layout relate to the inclusion of a management strip between the dwellings to incorporate the large mature trees along the north to south boundary line in the centre of the site. The mature trees, in particular the Ash specimens, were not suitable for retention within rear gardens due to the detailed and professional input required to maintain them in such a way to be safe and to retain their striking form and habit value. The proposals now include detail management specifications for each tree which will allow trees to be retained where they would otherwise have presented a hazard to any future residents of the dwellings adjacent.
- 10.110 The amendment to include a management strip between plots 26 through to 50 will also enable replacement trees to be planted in this area so that they can be properly maintained. The original submission would have required individual property owners to care for the trees which could have increased pressure to fell, resulting in the loss of trees with amenity value.



- 10.111 Further to the above, the Tree Officer is satisfied that the drainage scheme proposed to serve the development is designed so as to minimise impact upon the trees on and adjacent to the site. The connection to a sewer under Smithy Place Lane is to be carried out using mole or thrust boring to avoid open excavations around the trees in the road verge. The connection for storm water to the River Holme is to pass through an area of trees without impacting on the significant trees and the location of the headwall at the River Holmes will not impact on protected trees. The archaeological trial trench locations were amended to prevent excavations within the rooting areas of retained trees and has now been carried out.
- 10.112 Concerns regarding shading and nuisance, particularly affecting plots 26 through 49, have been largely minimised due to the reappraisal of the existing trees in the centre of the site and the large gardens afforded to properties along this internal boundary line.
- 10.113 The trees lost across the site frontage were not protected and though of value, were necessary to be removed to enable visibility splays across the junction into the site for the purposes of safe junction operation and highway safety. The Landscape Masterplan evidences that the scheme will replace these trees with heavy standard specimens across the site frontage, but behind the footway. This mitigation is considered acceptable and in accordance with LP33 - Trees
- 10.114 Following the amendments to the proposed scheme described above, KC Trees are now satisfied that the proposed layout would allow for the successful retention of most trees on the site in the context of the site's allocation for housing. The retained trees can be better protected, mitigated and cared for within the amended scheme. The development is consequently found to be in line with LP33 of the KLP and Policy 2 of the HVNDP
- 10.115 If consent is granted, a condition for an Arboricultural Method Statement and detailed landscaping proposals is attached to the recommendation to ensure tree protection measures are used and that appropriate levels of landscaping are installed.

### *Biodiversity*

- 10.116 Matters relating to the Biodiversity Net Gain are detailed in the Planning Obligations section below.
- 10.117 Concerns have been raised by representors in respect of the impact of the development upon protected species that inhabit and forage on the site. The applicant has submitted Surveys which provide advice in respect of restrictions on construction operations within the buffer zone and the trigger at which point a protected species licence is required.
- 10.118 KC Ecology have reviewed the submitted information and have advised on the acceptable size of buffer zones. A distance of 30m is considered to be best practice however a reduced buffer can be accepted as long as appropriate avoidance, mitigation and compensation measures are proposed as part of the planning application.

- 10.119 Consultation with KC Ecology has subsequently confirmed that a mitigation strategy, secured by condition is necessary to ensure the protection protected species. A condition in the summary of conditions in section 12 of this report. The inclusion of landscape buffers across the site will ensure the necessary protection.
- 10.120 A fully completed bat survey report has been submitted with the application. The report concludes that the site contains low to moderate levels of foraging and commuting bats. It is considered that the retention of habitats which provide suitable corridors to areas of foraging for bat species, such as the river Holme and the hedgerows connecting Woodhead Road to the river Holme will ensure that foraging and dispersal opportunities are retained for bats, post development. As the report details, the development should aim to incorporate several enhancements for roosting bats, as this would provide an overall net gain for this species, post development. Indeed, the construction phase of the development and post development light spillage have the potential to bring about impacts upon this species groups and therefore appropriate conditions are suggested below. As detailed in the bat survey report, within the trees on site, there is the potential for bats to roost. In order to ensure there are no impacts on any potential tree roosts within the site, it is recommended that any tree where works take place must be subject to a roosting suitability assessment, prior to any works commencing.
- 10.121 Comments have been received from representors which highlight the loss of habitat that will be incurred as a result of the development proposal. This is not denied by LPA Officers. Notwithstanding this, the site is allocated for residential development under the Local Plan and a Biodiversity Net Gain assessment has been carried out to ascertain the loss of habitat on the site so that on-site and off-site mitigation can be delivered to address the impacts on habitats through a Section 106 agreement. A mechanism within the proposed Section 106 Agreement would allow for as much on-site Biodiversity Net Gain as possible preceding payment of the contribution necessary for off-site delivery.
- 10.122 The Environment Agency have commented on the application in respect of flood risk with regard to the development's proximity to the River Holme, however no concerns have been shared in respect of increased pollution levels in the River Holme as a result of the site's development. The development of the site is to be managed through submission of a detailed Construction Management Plan that will outline methods of managing construction activities on the site.
- 10.123 One representor cited that the site is within a SSSI Impact Risk Zone. This is not the case. The nearest SSSI is at Honley Station Cutting and the impact zone for this SSSI is a significant distance from the site. In respect of SSSI's further afield, the type of development proposed here does not trigger a requirement to consult with Natural England on this planning application.

- 10.124 Overall, through the combination of the Biodiversity Net Gain contribution (discussed in the Planning Obligations section below) and the measures outlined to avoid and mitigate for harm to protected species, the development is considered to meet the requirements of LP30 – Biodiversity and Geodiversity and Policy 13 of the HVNDP

#### Site Drainage and Flood Risk

##### *Fluvial Flood Risk*

- 10.125 The development has been subject to a holding objection from the Environment Agency on account of the submitted FRA not complying with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.
- 10.126 As of the 24<sup>th</sup> May 2022, the Environment Agency's holding objection has been removed on account of the applicant's submission of an updated Flood Risk Assessment on the 11<sup>th</sup> May 2022. The updated FRA met the requirements set out within the Environment Agency's letter dated 31<sup>st</sup> March 2022 relating further information being necessary in identifying/using an appropriate up stream node points from which finished floor levels could be determined. The Environment Agency also required updated topographic information to confirm that re-profiling of the site would not incur a decrease in existing topographical flood storage that would trigger a need to secure compensatory storage to offset the developments impact in respect of flood risk on-site or its transference elsewhere.
- 10.127 The Environment Agency have recommended that the updated FRA and its appendices should be conditioned for compliance prior to occupation of the site's dwellinghouses and has been included in the list of conditions.

##### *Pluvial Flood Risk*

- 10.128 The Local Lead Flood Authority have accepted that linear routes shown only in the 1 in 1000-year event can be controlled easily post development.
- 10.127 The ponding of surface water adjacent to Smithy Place Lane, where properties are proposed, has been examined. In a meeting with the LLFA it was decided that reprofiling of land to protect new properties was achievable. This matter is to be revisited will need to be reassessed at detailed design stage and should be conditioned under flood routing.

##### *Land Drainage Design*

- 10.128 The surface water drainage design provides underground storage for a 1 in 100 year event, based upon the site's surface area including a 30% increase in storage capacity accounting for the effects of climate change. The outfall of the surface water scheme is via gravity into the River Holme. A permit is to be sought from the Environment Agency to enable this connection. The foul water drainage solution is via pumping station

due to topography of the area and the lack of availability of public sewerage infrastructure. The outfall of the foul system is between plots 122 and 123 toward the infrastructure beneath Smithy Place Lane. Permitted development rights would be restricted on these plots by way of condition in order to protect the new infrastructure.

- 10.129 Representors have cited that the capacity of the public sewerage infrastructure would be unable to cope with the demand created by the development proposed under this application. Yorkshire Water have been consulted on the application and have offered no objections subject to conditions advised in their response on the 7<sup>th</sup> February 2022. Further advice from Yorkshire Water indicates that peak pumped foul water should not exceed 5 litres per second.
- 10.130 Existing water emergence issues have been mapped as requested by the LLFA. A methodology of dealing with the issue has been promoted and is to be conditioned, subject to approval of the application and validated on completion of the design.
- 10.131 Typical land drainage details have been shown to intercept overland flows from significant areas of undeveloped land uphill of proposed plots to protect from overland flow. Final details are covered by proposed condition. Assessments have shown that some water is coming from defective drainage in Woodhead Road. In order to facilitate effective flood risk management, a more detailed inspection of this system is required where repairs can be agreed and validated upon completion.

#### *Flood Routing*

- 10.132 The LLFA do not foresee a risk to property from an exceedance event concerning only the attenuation tank due to its location. A plan has been submitted showing mitigation of the risk of surface water flooding in several places including reprofiling of land, altering housing types and removing independent garages to create improved flood routing by taking buildings out of harms way. Detailed analysis will be conducted at design stage that should build on the methodologies promoted in the Flood Risk Assessment supplied by ARP associates. Flood routing is also covered by condition.

#### *Discharge Rates and Attenuation*

- 10.133 The LLFA agrees that infiltration techniques, such as soakaways, are not suitable on the proposed development.
- 10.134 An analysis of the built area has been submitted and the LLFA accept a maximum discharge rate of 25l/s. The LLFA note the attenuation design is indicative and is directly adjacent to the foul pump station compound. The LLFA advise that Yorkshire Water may require a stand off from the two constructions. This aspect can be finalised at detailed design stage. A detailed design of the tank along with a bespoke maintenance plan will be required and would be conditioned, subject to approval of the application.

### *Construction Phase Drainage Plan*

- 10.135 As is normally required, a risk assessment and method statement with regard to flood risk and pollution during the construction phase should be submitted and this is covered by a proposed temporary drainage condition. The LLFA recommend that the critical volume in a 1 in 2-year storm event is considered for the construction period for phases prior to the installation of attenuation systems

### *Section 106 Agreement and Drainage*

- 10.136 The LPA is obliged under the NPPF to ensure all sustainable drainage is effectively managed for the lifetime of the site. Kirklees opts to achieve this via a section 106 unilateral agreement. This includes the time period prior to installation of SUDS up to the day of adoption by the statutory undertaker. A management company is expected to be set up to discharge maintenance duties. All legal agreements are to be regarded as null and void once the sewerage is adopted. In addition, land drainage pipes and caps on boreholes and wells should remain the responsibility of the management company.

### *Conclusion*

- 10.137 The proposed development is considered to accord with the requirements of policies LP27 – Flood Risk and LP28 – Drainage – of the Kirklees Local Plan and Paragraph 159 of the NPPF.

### Heritage and Archaeological Matters

#### *Designated Heritage Assets*

- 10.138 The applicant has submitted a Heritage Impact Assessment by BWB and a Archaeological Evaluation by WYAS.
- 10.139 The Heritage Assessment confirms that there will be no direct impact (through direct physical impact upon fabric) on any, currently known, designated or non-designated heritage assets on or adjacent to the site. Any impacts felt are in respect of the setting of scheduled monuments and buildings in Brockholes and the wider vicinity. The conclusion of the report sets out that topography, natural screening and intervening built form effectively screen the identified designated assets from harm in respect of their historic or aesthetic value.
- 10.140 In reference to the nearest listed building to the development, there are currently limited views of the proposed development to the Bridge (1228482) over the River Holme at Smithy Place Lane. Given the limited visibility and 19th and 20th century development either side of the bridge, it is considered that development would not further erode the historical integrity of the bridge. Proposed tree planting to create a visual buffer in the south-eastern corner of the current northeast field would reduce any visual intrusion. The submitted Landscape Masterplan (Rev K) presents that tree planting will be undertaken across the entirety of the eastern flank of the site adjacent to the River Holme.

- 10.141 With regard to comments made by representors about the development's impact on the historic village of Smithy Place. Officers would respond by stating that Smithy Place is not subject to any listed building or conservation area protection and the Local Plan policy for HS161 does not identify the need to protect Smithy Place from a heritage perspective. No buildings on Smithy Place are identified in Appendix 2B of the HVNDP relating to Candidate Non-Designated Heritage Assets.

### *Archaeology*

- 10.142 The archaeological evaluation has revealed two features which warrant further archaeological excavation and recording. These are located in Trenches 12 and 32 of the evaluation.
- 10.143 Due to the unreliability of the geophysical survey previously undertaken, this work is necessary to fully characterize the nature of remains including Neolithic flint flakes – imported from eastern Yorkshire and a ditch or footing of unknown purpose but apparently dating from the 16th-19th century.
- 10.144 This work is recommended to be secured by the inclusion of an appropriately worded condition requested by West Yorkshire Archaeology Advisory Service. The required condition is listed in the summary of conditions in section 12 of this report.

### *Conclusion*

- 10.145 Given the detail and thoroughness of the submitted heritage and archaeology reports, LPA Officers are satisfied that the development incurs little to no harm to designated heritage assets and that archaeological remains will be appropriately investigated and recorded prior to development in the affected areas. By consequence the proposal is considered to be in accordance with LP35 – Historic Environment and Policy 3 of the HVNDP.

### Environmental Health, Site Contamination and Stability

#### *Air Quality*

- 10.146 An Air Quality Assessment has been submitted by BWB Consulting (ref: LDP2535-001) (dated: November 2021). The assessment details the impact the development will have on existing air quality, and how this will impact existing and future sensitive receptors by considering dust emissions during the construction phase and development-generated road traffic during the operational phase. The site is not located within, or near to an Air Quality Management Area, and in accordance with The West Yorkshire Low Emission Strategy – Technical Planning Guidance (WYLES) is classified as a “Medium” in terms of air quality impact.
- 10.147 For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction v1.1. A risk assessment was undertaken to identify all potential sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor

locations within 350m of the site boundary. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concluded that there is the potential for air quality impacts as a result of fugitive dust emissions from the site, but that these impacts could be controlled by the implementation of good practice dust control mitigation. The mitigation measures are outlined in Table 5.5 titled Mitigation Measures for a High-Risk Site on page 26-29 of the report. These measures are required to be undertaken in accordance with submission of a Construction Management Plan required by condition and listed in the condition summary in section 12.

- 10.148 In respect of the site's operational phase from an air quality perspective, dispersion modelling was undertaken using ADMS-Roads (version 5.0.0.1) to determine the changes in pollutant concentrations at 20 sensitive receptor locations due to development generated road traffic emissions. The receptor locations were chosen as being in the vicinity of road links likely to be most affected by changes in traffic because of the development.
- 10.149 Traffic data supplied by Aimee Thompson Transport Planning the transport consultants for the scheme was used in the model to predict changes in Nitrogen Dioxide (NO<sub>2</sub>), and particulate matter (PM<sub>10</sub>) and (PM<sub>2.5</sub>) concentrations from traffic emissions. Monitored data supplied by Kirklees Council and background data supplied by Defra were also used in the assessment. The model predicted concentrations based on the following scenarios:
- verification year 2019
  - base year 2021
  - an opening year of 2022 (without the development)
  - opening year of 2022 (with the development)
- 10.150 For the operational phase the report concludes that predicted changes in NO<sub>2</sub> and PM<sub>10</sub> and PM<sub>2.5</sub> concentrations would be below the national air quality objectives for those pollutants, across the site and at all sensitive receptor locations. Therefore, the impact of traffic emissions because of the development is predicted to be "negligible" in accordance with the *Land-use Planning & Development Control: Planning for Air Quality Guidance by Environmental Protection UK (EPUK) and the Institute of Air Quality Management January 2017 (IAQM)*.
- 10.151 Finally in accordance with the WYLES guidance the report proposed mitigation measures to include the provision of Electric Vehicle charging points at every property and a Travel Plan. We agree with the approach and methodology of the air quality assessment and concur with the conclusions, that the development will have negligible impact on air quality and is considered suitable for residential use with regards to current air quality objectives. However, it will be necessary for a condition to mitigate against dust during the construction phase. This condition is included in the summary list in Section 12 of this report.
- 10.152 The development is anticipated to comply with the requirements of clause g under LP47 – Healthy, Active and Safe Lifestyles and LP51 – Protection and Improvement of Local Air Quality.

## *Noise*

- 10.153 An alternative ventilation system will be required where plots of the development fail to meet the Indoor Ambient Noise Levels for Dwellings as per BS8233:2014. It would need to provide a level of ventilation to properties affected by excessive external noise sufficient to replace the ventilation which would normally be provided by opening windows and therefore the system would be capable of helping to improve thermal comfort and reduce the risks of overheating. During hot weather, the alternative ventilation system must be capable of drawing in cooling external air; any heat exchanges used for warming incoming air during cold weather must be capable of being bypassed during hot weather. Similarly, systems that draw in air from the roof-space of the building would need a bypass to allow air from the outside to be drawn in during warm weather.
- 10.154 Where the alternative ventilation system is mechanical, the self-generated noise created by the system must not cause excessive indoor sound levels. Also, the alternative ventilation system must not compromise the sound insulation properties of the building envelope.
- 10.155 Para 4.5 of the Noise Report looks at the external amenity area and states that where the gardens are predicted to experience noise levels above 55dB LAeq,T, it is recommended that a 2.4m tall acoustic barrier be constructed at the boundaries that have direct line of sight to Woodhead Road or New Mill Road. The recommended locations for these barriers are shown in Blue in Figure 4.2. A specification and method of construction is given which would normally be expected to reduce noise propagation to areas adjacent to the fence, by circa 10 – 15dB.
- 10.156 The findings of the noise impact assessment are accepted by KC Environmental Health. However conditions are recommended by the consultee to implement the findings of the Noise Assessment Report and to provide an alternative ventilation strategy. Both of these conditions have been included in the list of conditions set out in Section 12 of this report.

## *Contaminated Land and Stability*

- 101.157 Environmental Health accept the Stage 1 Geo-Environmental Desk Study by ARP, dated 31st May 2022 (Ref: MLR/07r2 V2), the Stage 2 GeoEnvironmental Report by ARP Geotechnical Ltd, dated 26th March 2021 (ref: MLR/07r4) and the Method Statement for Assessment of Imported Soils in Appendix E of the Stage 2 GeoEnvironmental Report by ARP Geotechnical Ltd, dated 26th March 2021 (ref: MLR/07r4). Therefore, conditions relating to unexpected discovery of contamination and monitoring of imported soil/fill material have been added to the list of conditions summarised in Section 12 of this report.



## Planning Obligations

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

### *Affordable Housing*

- 10.159 As set out in paragraphs 10.84 – 89, the applicant has agreed the following contribution with LPA Officers in respect of affordable housing; A 19.7% on-site contribution of **27 affordable homes with the following tenure split: 15 Affordable Rent, 5 Shared Ownership and 7 First Homes**. This obligation is in accordance with Local Plan policies LP4 and LP11.

### *Education*

- 10.160 KC Education have advised that the development is required to contribute a figure of **£546,137** to local schools. This has been agreed with the applicant. The financial sum is to be secured via a Section 106 agreement. The allocation of this funding is to be limited to the Honley and Brockholes Geographical Area. The specific metric for determining the Geographical Area is to be conducted under the S106 negotiation. This obligation is in accordance with Local Plan policies LP4 and LP49.

### *Public Open Space*

- 10.161 Given the measured areas of on-site provision for the respective landscape typologies, there will be some requirement for off-site contributions in lieu of on-site delivery. **The figure required to meet the shortfall in POS typologies, of which the local area is deficient, is £94,288.** This figure has been agreed with the applicant and will be delivered via the Section 106 agreement, subject to approval of the application. Consultation with the local community and local councillors post planning permission when the Section 106 planning obligations become 'live' will be undertaken to help shape and inform the schemes. This obligation is in accordance with Local Plan policies LP4 and LP63.

### *Biodiversity Net Gain:*

- 10.162 With regards to the BNG assessment, the updated metric details there will be a net loss in habitats of 48.30% (-20.50 units) and a 13.60% net gain in hedgerows (+0.48 units). The EclA applies correct use of the mitigation hierarchy to ensure that this net loss in habitats has been avoided where possible. Through discussions with the applicant's team, it is understood that off-setting will take place in the form of a financial contribution, which will allow the council to ensure that biodiversity targets are deliverable within the local authorities' boundary. Given the above, the current proposals result in a loss of 20.5 habitat units. Therefore, a total of 20.5 habitat units will need to be delivered in order for the development to achieve no net loss, which (based on £20,000

per habitat unit (figure taken from 2019 DEFRA Impact Assessment) + 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note)), results in a financial contribution of **£471,500**, which will need to be secured through a Section 106 agreement. The habitats that are due to be delivered on site will be secured through a condition, included in Section 12 below. This obligation is in accordance with Local Plan policies LP4 and LP30 as well as HVNP Policy 13.

#### *Sustainable Transport*

- 10.163 As set out in paragraphs 10.8 to 63, measures to encourage the use of sustainable modes of transport will be secured through the S106 process **for a sum of £70,075.50 towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring**. This obligation is in accordance with Local Plan policies LP4 and LP20 as well as HVNDP Policy 11.

#### *Off-site Highway Works –*

- 10.164 As set out in paragraphs 10.8 to 63, **an off-site financial contribution of £33,000 is to be secured towards Bus Stop upgrades and signage improvements on Smithy Place Lane as well as a further £15,000 to contribute towards signalised junction improvements in Honley**. This obligation is in accordance with Local Plan policies LP4 and LP21 as well as HVNDP Policy 11.

#### *On-going Site Management*

- 10.165 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 and foul drainage infrastructure until formally adopted by the statutory undertaker) is to be secured via the S106 agreement.

#### *Summary*

- 10.166 **The total financial package of the S106 agreement totals £1,240,000.50**. This figure does not include the on-site delivery of the affordable units which also constitute a significant financial investment in housing infrastructure on the site.

#### Representations

- 10.167 To date, a total of 163 representations have been received in response to the council's consultation and subsequent re-consultations whilst 4 representations were received from the Holme Valley Parish Council. Comments were also received from Ward Councillor Greaves. The material considerations raised in comments following publicity of the application have been fully addressed in this report as follows:

#### *Highway, Transport and PROW Matters*

- Scepticism of the effective of the off-site highway signage provision proposed on Smithy Place Lane.
- Lack of connection to Brockholes via New Mill Road.

- Proposed pedestrian integration to Brockholes via Smithy Place and Smithy Place Lane is unsafe (for all, including school children) due to lack of footway and nature of sight lines across Smithy Place Lane. This safety issue will be exacerbated by increased pedestrian use from the site.
- Criticism of proposed signage on Smithy Place Lane.
- Citation of multiple road accidents across local highways.
- Pedestrian routes to Honley require crossing Woodhead Road which is unsafe.
- The riverside should be re-designed to integrate with the riverside way.
- The development is not walkable to local centres and therefore car reliant.
- Local signalised junctions are over-capacity and cumulative development will generate negative capacity issues on these junctions and on the wider local highway network.
- Lack of footway on eastern side of Woodhead Road (prior to amendment of access layout).
- Scepticism in respect of acceptability of the access gradient into the site.
- The submitted Travel Plan contains inaccuracies.
- The speed limit of Woodhead Road makes vehicular egress from the site dangerous and users do not abide by the speed limit.
- Request for improved signage on and a reduced speed limit on both Smithy Place Lane (and Robinson Lane).
- General position amongst representors that Smithy Place is not considered a public right of way.
- Loss of footpath across the site.
- Use of Smithy Place (Robinson Lane) by cars from the site onto Smithy Place Lane which will exacerbate a dangerous bend.

**Officer response:** The concerns raised in regard to highway safety and transportation are addressed in the main assessment above, with particular regard to paragraphs 10.8-10.63. It is considered that, subject to the inclusion of appropriate conditions and a secured S106 agreement, the proposals would not result in undue harm to highways or transportation.

#### *Visual Amenity/Character Issues*

- Poorly designed housing estate that does not take the opportunities of the surrounding landscape and built form to create a sympathetic development.
- The development is poorly integrated with the surrounding settlement.
- Criticisms of the lack of vernacular materials such as natural stone and slate within the housing type designs despite the requirement within the HVNDP (Clause 8, Policy 2) as well as scepticism as to the appearance of reconstituted stone.
- Lack of usable greenspace.
- Criticism of 'identikit' houses and requests for the proposal to be constructed with housing design that reflects the local vernacular, specifically terraced style dwellinghouses.
- Impact on historic 'Smithy Place' village
- Criticism of lack of through roads and over reliance on cul-de-sacs
- Loss of the greenspace will affect local resident's amenity.

**Officer response:** The concerns raised relating to design have been addressed in the main assessment above, with particular regard to paragraphs 10.64-10.80.

### *Residential Amenity*

- Overshadowing (The Coach House, Smithy Place)
- Loss of privacy (Wheatfield Cottage, 22 Smithy Place; The Coach House, Smithy Place) and properties across Haggroyd Lane.
- Overlooking, particularly those properties across the south east corner of the site.
- Adverse light impact caused by street lighting on Smithy Place
- Increased traffic noise for local residents
- Concern in respect of the managed areas at the rear of Haggroyd Lane and the potential for adverse dumping from new residents in this space.

**Officer response:** The concerns raised in regard to residential amenity are addressed above, with particular regard to paragraphs 10.81-10.107. The proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers, complying with the objectives of Local Plan policy LP24

### *Ecology and Trees*

- Removal of trees along site frontage for visibility is unacceptable to nature as well as general criticism of tree removal across the site, including TPOs.
- Mature trees cannot be replaced.
- Impact upon protected species.
- Negative impact on biodiversity through loss of grassland, wildflowers, trees and other habitats and the consequent impact on wildlife corridors and protected species.
- Impacts of development upon pollution levels in the River Holme.
- The site is a designated SSSI Impact Risk Zone
- Criticism of lack of on-site biodiversity net gain contrary to the Environment Bill.

**Officer response:** Concerns relating to trees and ecology matters are addressed in the main assessment above, with particular regard to paragraphs 10.108-10.124.

### *Flood Risk and Drainage*

- Representors highlight previous objections to the Flood Risk submissions by the Environment Agency and the potential for increased flood risk of the site given its proximity to the River Holme.
- Criticism of technical design of sustainable drainage
- Existing sewer infrastructure in Brockholes is over-capacity and the development will exacerbate this through its connection to Smithy Place.
- Drainage of existing fields is poor, possibility of Holme River bursting banks adjacent to the site and new housing will be subject to stability problems.

**Officer response:** Concerns raised in regard to flood risk and drainage are addressed in the main assessment above, with particular regard to paragraphs 10.125 - 10.137.

## *Other Matters*

- Impact of additional traffic on pollution levels and impact on air quality

**Officer response:** Concerns raised in regard to air quality are addressed in the main assessment above, with particular regard to paragraphs 10.146 - 10.152.

- Increased demands on local schools which are already oversubscribed
- The education contribution should be directed to Brockholes Junior and Infant School and Honley High School.

**Officer response:** Concerns raised in regard to education are addressed in the main assessment above, with particular regard to paragraph 10.160. A contribution figure of **£546,137** to local schools is understood to be sufficient to ensure that local school capacity can accommodate primary and secondary school age children from the site. The education contribution is to be secured geographically, but it is intended for these purposes of delivering extra capacity at these schools.

- Impact on medical services (GPs & dental practices)

**Officer response:** It is noted that local medical provision has been raised as a concern in representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a 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. A condition requiring submission of a Rapid Health Impact Assessment is also included in Section 12 below.

- Housing mix lacks 2 bedroom units and criticism of reduction in the number of affordable units following reduction in the number of units on site.
- The housing mix in respect of size is not representative of local needs.

**Officer response:** The concerns raised in regard to housing mix are addressed above, with particular regard to paragraphs 10.81-10.83.

- The development of the site is contrary to the Kirklees declaration of a climate emergency.
- The homes lack sustainable design features such as solar panels or rain-water harvesting and include the provision of gas boilers. The homes are not 'future-proof'.

**Officer response:** The concerns raised by the representor are well-founded, however the scope of the planning system at the current time in promoting renewable solutions to climate change are restricted by the wording of paragraph 158 of the NPPF which prevents Local Planning Authorities from requiring applicants to demonstrate the overall need for decentralised energy supply. The development of the site is necessary to supply modern housing and will of a standard well above the performance of the majority of the existing housing stock within Kirklees.

- Prior to agreement on the Education contribution, many representors highlight the applicant's unwillingness to fund the contribution.

**Officer response:** The concerns raised have been resolved and the applicant has agreed to provide the education contribution required by the LPA.

- Proposal for improvements to Biodiversity Net Gain through implementation of sustainable drainage measures outlined by 'River Holme Connections'.

**Officer response:** There will be flexibility within the Section 106 Agreement to achieve further on-site measures to reduce the financial sum for the benefit of creating on-site habitats. The representor and applicant are encouraged to contact one another to query the viability of the representor's proposals in respect of habitat enhancements. Any enhancements adjacent to the river will likely require a permit from the Environment Agency.

- Creation of urban sprawl through merging of Brockholes and Honley.
- The site is located in a Green Belt area and is against Green Belt principles as the development will cause Honley and Brockholes to merge together.

**Officer response:** The housing allocation has been established through the Examination in Public of the Draft Local Plan by an independent Planning Inspector. The Local Plan was adopted at Full Council following the closure of the EiP and the issuance of the Inspectors' report which found the plan sound subject to modifications. The site is not Green Belt.

- The proposed development exceeds the site yield and therefore significantly overdevelops the site.

**Officer response:** This matter is discussed in paragraphs 10.1 to 10.8 of the assessment.

- Economic impact on local centre from reduction in number of walkers

**Officer response:** Such an impact cannot be quantified and no evidence has been submitted to verify the site having a negative economic impact in respect of tourism. The development will, however, increase the population of Honley and Brockholes that will help to sustain existing services through increased demand and footfall.

- Criticism of developing a greenfield site when brownfield sites are available.

**Officer response:** Lichfields brownfield report ('Banking on Brownfield') highlights that there is insufficient brownfield to deliver objectively assessed need across the country. Lichfield find that, even if every identified site was built to its full capacity, the capacity of previously-developed land equates to 1,400,000 net dwellings. This equates to just under a third (31%) of the 4.5m homes that are needed over the next fifteen years. Even with significant government support, brownfield land can only be part of the solution to the housing crisis.

- 10.168 All of the comments received as a result of the publicity for this planning application have been carefully considered. However, when considered against relevant local and national planning policy, it is concluded by officers that, subject to the imposition of relevant conditions and the securing of certain planning obligations, as summarised below, the proposals are acceptable.

#### Other Matters

- 10.169 There are no other matters considered relevant to the determination of this application.

### **11.0 CONCLUSION & RECOMMENDATION**

- 11.1 The site has constraints in the form of the adjacent residential dwellings (and the amenities of these properties), topography, trees, drainage, highways and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage. Though the quantum of development is above the indicative yield in the site policy of the Local Plan, the figure reflects a significantly lower density when taking into account the site's gross area. Furthermore, the proposal has responded appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable.
- 11.2 The provision of 137 residential units at this site (including the provision of 27 affordable housing units that meets the Council's tenure split in the Holme Valley) would contribute towards meeting the housing delivery targets of the Local Plan and are welcomed. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

### **12.0 CONDITIONS** - (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

- 1/. 3 Year Time Limit for Commencement
- 2/. Development to be carried out in accordance with approved plans
- 3/. Details of phasing (Pre-commencement)
- 4/. Construction Management Plan (Pre-commencement)
- 5/. Highway/PROW Condition Surveys (Pre-commencement)
- 6/. Detail of highway improvements (Pre-commencement)
- 7/. Detail of internal estate roads, footpaths etc
- 8/. Condition ensuring access to undeveloped land
- 9/. Erection and repair of existing and proposed dry stone walls
- 10/. Detail of visibility splays across site access (Pre-commencement)
- 11/. Various off-site highway and PROW works and Road Safety Audits

- 12/. Surfacing and draining of vehicle parking areas
- 13/. Highway structure details (Pre-commencement)
- 14/. Temporary retaining structure details (Pre-commencement)
- 15/. Retaining Wall facing materials
- 16/. Timely removal of temporary construction access
- 17/. Structural details of pipes/manholes (Pre-commencement)
- 18/. Cycle storage details
- 19/. Temporary waste storage for dwellings during the construction period
- 20/. Electric vehicle charging points
- 21/. Finished floor level restrictions
- 22/. Compliance with arboricultural method statement
- 23/. Detailed design of foul and surface water drainage scheme (pre-commencement)
- 24/. Surface water emergence and land drainage mitigation (pre-commencement)
- 25/. Storm Event Scenarios (Pre-commencement)
- 26/. Temporary Surface Water Details (Pre-commencement)
- 27/. PD Rights Removed for Plot 122 (Side extensions)
- 28/. PD Rights Removed for Plot 123 (Outbuildings)
- 29/. PD Rights Removed for 62no. plots in respect of boundary treatments relative to shared spaces
- 30/. Implementation of sound attenuation scheme
- 31/. Ventilation scheme for noise impacted properties (Pre-commencement)
- 32/. Dust mitigation details during construction period
- 33/. Unexpected contamination/coal deposits
- 34/. Imported Top/sub soil verification report
- 35/. Physical samples of facing materials
- 36/. Boundary treatment detailing
- 37/. Hard and soft landscaping details (Pre-commencement)
- 38/. Maintenance of landscaping and occupier notification mechanism
- 39/. Biodiversity Management Plan (Pre-commencement)
- 40/. Construction Environmental Management Plan (Pre-commencement)
- 41/. Eradication of invasive non-native species (Pre-commencement)
- 42/. Lighting Design Strategy
- 43/. Protected species Mitigation Strategy
- 44/. Working times compliance
- 45/. Further Archaeological Investigation (Pre-commencement)
- 46/. Details of substation and pumping station design and appearance
- 47/. Definitive footpath surfacing adjacent T18
- 48/. Details of any PROW diversion
- 49/. Riverside footpath construction specification and delivery
- 50/. Rapid Health Impact Assessment submission and implementation

**Background Papers:**

Application and history files.

Website link:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92206>

Certificate of Ownership – Certificate B – Requisite 21 day notice provided to landowners.