
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Dec-2022

Subject: Planning Application 2022/91817 Erection of four storey mixed use building incorporating church, community facilities and 22 one-bedroom, affordable, older persons apartments, roof garden and associated car parking St Andrews Methodist Church Hall, Bradford Road, Littleton, Liversedge, WF15 6EF

APPLICANT

The Haven, Haven
Methodist Care Ltd

DATE VALID

25-May-2022

TARGET DATE

24-Aug-2022

EXTENSION EXPIRY DATE

23-Dec-2022

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1. 22 affordable dwellings
2. Age-restricted (over 55s) and faith-based (Methodists) occupancy
3. Off-site Public Open Space contribution (£31,463.56)
4. Incorporation of a management company for the collection of residential and commercial waste

In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 The application has been brought before the Heavy Woollen District Area Sub-Committee due to a statutory consultee objection and in the public interest.
- 1.2 Local Members were initially content to delegate decision-making powers to Officers. However, given the statutory consultee objection it is considered that a committee decision is warranted due to potential impacts of the proposal and the balanced nature of the Officer recommendation.
- 1.3 The Chair has agreed that this application should be determined at Heavy Woollen District Area Sub-Committee and has included provision for a site visit for Committee Members.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is currently occupied by St Andrews Methodist Church. It is an area predominantly formed of hardstanding with incidental areas of lawn and shrub planting. The site is bounded by existing 2-storey residential dwellings to the west and east which overlook the site. The site is accessed via Carr St; a cul-de-sac which provides access to existing residential and industrial/commercial uses.
- 2.2 The application site red line boundary measures approximately 0.18 hectares.

3.0 THE PROPOSAL

- 3.1 The application is seeking full planning permission for the *'erection of four storey mixed use building incorporating church, community facilities and 22 one-bedroom, affordable, older persons apartments, roof garden and associated car parking'*. The description was amended on 31/10/2022 from a 24 one-bedroom older persons apartment proposal following elevational amendments in the interest of preserving residential amenity. This amendment is considered to represent a material reduction to the quantum of residential development proposed.
- 3.2 The proposal would cater for parishioners of the existing Methodist Church who would live on-site and work/volunteer in the ground floor community facilities, which include a church, community hall, and café area.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history to consider in the determination of this application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers negotiated with the applicant to:
- Consider neighbouring occupiers' residential amenity through elevational amendments;
 - Assess and justify the car parking requirements of future residents and community space users;
 - Provide off-site public open space financial contributions in lieu of on-site provision;
 - Provide further information relating to refuse and waste storage and collection;
 - Assess surface water drainage considerations and constraints; and
 - Draft bespoke affordable housing Section 106 (S106) Heads of Terms as the applicant is not a Registered Provider.

6.0 PLANNING LEGISLATION AND 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 Kirklees Local Plan. The Kirklees Local Plan was adopted on 27 February 2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map.
- 6.2 The following legislation, policies, and guidance are considered relevant to the determination of this application:

Kirklees Local Plan (February 2019)

The site is unallocated in the Kirklees Local Plan.

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient use of land and buildings
- LP11 – Housing mix and affordable housing
- LP13 – Town centre uses
- LP20 – Sustainable travel

- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP48 – Community facilities and services
- LP52 – Protection and improvements to environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

Supplementary Planning Documents

- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Housebuilders Design Guide SPD (June 2021)
- Open Space SPD (June 2021)
- Interim Affordable Housing Policy (January 2020)
- Kirklees Highway Design Guide (November 2019)

National Policies and Guidance

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2012 and updated most latterly in July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for Local Planning Authorities and is a material consideration in determining planning applications.

National Planning Policy Framework (NPPF) (July 2019)

- 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 efficient 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 17 – Facilitating the sustainable use of minerals

Climate Change

- 6.4 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.5 On the 12th of November 2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the

formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 REPRESENTATIONS (PUBLIC)

- 7.1 This application has been advertised as a major development.
- 7.2 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015) and in line with the Council's adopted Statement of Community Involvement (December 2019).
- 7.3 The statutory public consultation period took place between 07/07/2022 to 11/08/2022.
- 7.4 During the public consultation, a total of 15 representations were made. Of these, 13 were made in support, 1 was received in objection, and 1 as a general comment.
- 7.5 The key points raised in SUPPORT are as follows:
- Continuation and extension of public facilities and services provided on-site
 - Provision of retirement homes
 - Provision of affordable homes
 - Provide a multi-generational development
 - Beneficial for the wider community
 - Improve wellbeing and reduce social isolation
 - Development is a modern design
- 7.6 The key points raised in OBJECTION are as follows:
- Proposal would exacerbate existing highways safety issues on Carr St and the Knowler Hill/Bradford Rd junction
 - Not enough car parking has been provided on-site
- 7.7 The key points raised as COMMENT are as follows:
- Likely to be some disturbance during construction
 - Is proposed car parking adequate?
 - Has mobility scooter parking been considered?
 - How is building to be heated (renewable technologies)?
- 7.8 Local Members:
- Cllr David Hall (Liversedge and Gomersal) – Supports the application.
- Cllr Lisa Holmes (Liversedge and Gomersal) – Supports the application.
- Cllr Melanie Stephen (Liversedge and Gomersal) – No comments received.

8.0 CONSULTATION RESPONSES

- 8.1 Invitations to comment on this application were sent to the following consultees:

Kirklees Council:

KC Accessible Homes – No comments received.

KC Adult Services – No comments received.

KC Building Control – Advice received.

KC Business, Economy & Regeneration – No comments received.

KC Designing out Crime – No objections, advice received.

KC Ecology – No objections subject to conditions.

KC Emergency Planning – No objections and advice received.

KC Environmental Health – No objections subject to conditions.

KC Highways – Objects to the proposal on car parking grounds.

KC Landscape – No objection subject to financial contributions and conditions.

KC Lead Local Flood Authority – Supports the proposal subject to conditions.

KC Minerals (HSE) – No comments received.

KC Planning Enforcement – No comments received.

KC Policy – No comments received.

KC Public Health – Has no comments to make.

KC Strategic Housing – No objections.

KC Waste Strategy – No objections subject to conditions.

External Consultees:

Environment Agency – No objections subject to conditions.

West Yorkshire Fire Authority – No comments received.

Yorkshire Water – Advice received and conditions proposed.

9.0 MAIN ISSUES

9.1 Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of Development
- Design
- Landscape Character
- Amenity
- Highways Safety & Parking
- Flood Risk & Drainage
- Biodiversity & Ecology
- Planning Obligations
- Other Material Considerations

10.0 OFFICER ASSESSMENT

Principle of Development

Spatial Strategy

- 10.1 Policy LP1 of the Kirklees Local Plan (KLP) sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in National Planning Policy Framework (NPPF) (Chapter 2), particularly Paragraph 11(c). Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.
- 10.2 Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places'. The policy's supporting text identifies the Batley and Spen sub-area as having a range of settlements with distinctive characters, but that the area is at risk from traffic congestion and faces issues with brownfield site re-development and associated flood risks.
- 10.3 To achieve sustainable growth, a housing need of c. 1,635 new residential dwellings has been identified within Policy LP2 between Heckmondwike and Cleckheaton, through a combination of housing and mixed-use site allocations, over the lifetime of the adopted Kirklees Local Plan. As this site is unallocated, it represents a windfall site which would provide over and above that need which has been identified within the KLP.
- 10.4 Policy LP3 concerns the location of new development. In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.
- 10.5 The site lies within the defined Littleton Local Centre. Policy LP13 concerns town centre uses. The policy defines Local Centres as areas to 'provide for top-up shopping and local services particularly food and drink'. NPPF (Chapter 11) Paragraph 123 requires that Local Planning Authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.
- 10.6 As the proposal contains elements of community facilities, including retaining the existing church, a café area, and community hall as well as new residential dwellings, it is considered that the proposal would not detrimentally impact on the role of the defined Local Centre in terms of neutralising the intended function of the designation for enhanced local services provision. Similarly, there is an identified demonstrable need for affordable housing within this area of the borough which this proposal would help to achieve.
- 10.7 Officers note the unallocated nature of this site. However, it is also considered that a new residential development of 22 dwellings on this site would not be out of keeping with the housing need for the Liversedge/Batley and Spen area and would retain the mixed-use commercial and residential function of the surrounding area. As such, Officers consider that the principle of development to be in accordance with Policies LP1, LP2, LP3, and LP13 of the adopted Kirklees Local Plan and NPPF (Chapters 2 and 11), particularly Paragraph 123.

Affordable Housing

- 10.8 Policy LP11 requires that proposals for over 10 new residential dwellings contribute to the provision of affordable homes by securing 20% of the total number of new dwellings as affordable homes. The policy further states that achievement of a higher proportion of affordable housing on sites is encouraged.
- 10.9 This application proposes 22 affordable dwellings. This equates to 100% provision of affordable homes on this site. Occupancy of the dwellings is intended to be limited to parishioners of the Methodists Church who will also run the community and faith facilities on the ground floor of the development.
- 10.10 Officers note that the applicant is not a Registered Provider of affordable housing and, as such, careful negotiation with the Council's legal team has taken place to secure the appropriate tenure of the new dwellings and their affordable housing status in perpetuity via a Section 106 Agreement.
- 10.11 The provision of 22 100% affordable homes is considered to be over and above the policy requirements of Policy LP11 and, furthermore, should be considered as a material consideration in its own right. This will be weighed against the other policy and material considerations of the proposal in the planning balance at Section 11 of this report.

Design

Housing Density

- 10.12 Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value.
- 10.13 NPPF (Chapter 11) Paragraph 119 states that proposals should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Additionally, Paragraph 124 requires that LPAs should support development that makes efficient use of land. This includes consideration of the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.
- 10.14 Given the size of the site and the proposed quantum of new residential dwellings, the proposal would have a net housing density of c. 122 dwellings per hectare. This is considerably higher than the base policy requirement, however Officers consider that there is significant justification for such an overprovision of housing density on this site.
- 10.15 The proposal would re-develop a previously developed site and provide much needed older people's and affordable housing. Therefore, it is considered that the proposal would be in accordance with the requirements of NPPF (Chapter 11) in making an efficient use of land for a mixed-use development with a number of public benefits.

Housing Mix & Type

- 10.16 Policy LP11 requires proposals of 10 or more dwellings to provide a mix of housing reflecting the proportions of households that require housing, achieving a mix of house size and tenure. This includes provision of dwellings suitable for adaptation and/or use from those with specialist needs.

- 10.17 The proposal would provide 22 1-bed apartments for older people.
- 10.18 KC Strategic Housing have reviewed the submitted information and have noted that the Kirklees Strategic Housing Market Assessment (SHMA) indicates that in the Batley and Spennings Dale area, 1-2 bed homes and 1-2 bed homes for older people are specifically needed.
- 10.19 Officers note this demonstrable need for 1-2 bed homes [for older people] in this specific area but also consider that the proposal does adhere to the adopted policy requirements for the provision of new homes reflecting the proportions of households requiring need. Whilst the proposal is considered to provide demonstrably needed housing for a proportion of the local population, it does not cater the wider housing need in the area.
- 10.20 As such, the proposal is considered to be contrary to Policy LP11 of the adopted Kirklees Local Plan, albeit tempered by the demonstrable need. This policy conflict shall be weighed against the other policy and material considerations of the proposal in the planning balance at Section 11 of this report.

Layout

- 10.21 Policy LP24 states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.
- 10.22 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

Site Layout

- 10.23 The proposed building would be located towards the northern portion of the site front the A638 and occupy an internal footprint of c. 455 sqm (c. 110 sqm for Use Class F1(f) public worship or religious instructions, c. 245 sqm for F2(b) halls or meeting places for the principal use of the local community, and c. 100 sqm for E(b) sale of food and drink for consumption (mostly) on the premises). This represents a c. 123 sqm increase for the existing internal building footprint on the site.
- 10.24 The remainder of the site would be formed largely of hardstanding (car parking spaces and paved footways around the building). Pedestrian access from the north would remain via a stepped access point and a level pedestrian access within the northern boundary. The existing northern boundary wall would be removed and replaced with railings to improve visibility. Existing boundary walls to the south, east and west would be retained. Vehicular access would be via the existing southern entrance off Carr Street which would be widened, and a secure access barrier installed.

- 10.25 Officers recognise that the site is limited in terms of space, with consideration having to be given to providing acceptable residential amenity to neighbouring occupiers and development in Flood Zone 2 and 3. As such, given the functional needs of the proposed building, the associated works and the site, the site layout is considered to be acceptable in design terms. Further consideration of specific aspects of the layout, such as landscaping and car parking, will be considered in the following sections.

Internal Building Layout

- 10.26 The proposed internal space would be split over 4 floors and a roof terrace, with community facilities being located on the ground floor and residential dwellings forming a regular layout over the first, second and third floors.
- 10.27 Movement around the building would be facilitated by stairwells and an elevator with residential floors being formed of a central corridor with apartments accessed directly from it. The first floor would contain 8 dwellings, with the second and third floors containing only 7 dwellings as the south-easternmost dwelling has been removed for alleviate residential amenity concerns on neighbouring occupiers. Some of the dwellings would have access to their own private balconies. Plant rooms would not be located directly over dwellings to reduce any direct noise impacts on future occupiers.
- 10.28 The ground floor would host a church hall and shared residents' dining area, a café area and kitchen, community hall, and other shared utility spaces, including a laundry, bin store, and multi-functional office/consultation rooms.
- 10.29 Officers consider that the proposed internal building layout is acceptable in principle. Further technical consideration of potential noise and odour impacts shall be assessed in later in this report.

Form, Scale & Massing

- 10.30 The proposal would be formed of a core 4-storey building with a central 5 - 5.5 storey element incorporating a roof terrace and conservatory, and lower 2-storey elements on the eastern wing. Roof lines and types would be regularly broken up across the span and depth of the building to avoid large areas of visual monotony. The building would also make use of regular recesses and articulation to break up what would otherwise likely be large spans of regimented full-length windows and the potential impacts of unmitigated massing on visual amenity.
- 10.31 The use of balconies on the northern and southern elevations is also considered to help reduce the vertical emphasis of the regular window pattern (which is required due to the internal layout of the building). The western wing would incorporate 45° off-set windows, some with Juliette balconies, to avoid overlooking into neighbouring dwellings. The ground floor community spaces would have glazed external walls on the northern elevation to distinguish them from the residential elements above and provide a much-needed juxtaposition between the uses.
- 10.32 The northern, southern and eastern elevations would incorporate significant areas of built-in signage made of a contrasting material to the rest of the building. These would include a recessed cross and wording advertising the Methodist Church and The Haven (the residential element) respectively.
- 10.33 The external design of the proposal is considered to have taken visual cues from the surrounding industrial and commercial vernacular and materials palette, with strong emphasis being given to breaking up potentially monotonous linear and vertical emphases in the residential of roofing elements of the building. The massing of the building is also considered to be sufficiently mitigated through the considered use of

articulation and materials which allows for a successful interplay between the sectional flat-roofed core element of the building and the mono-pitched roofed eastern and western wings.

Materials

- 10.34 The applicant has submitted indicative proposed materials, with the exact materials to be used being secured by conditions to ensure that the proposal is in-keeping with the local vernacular and is built to satisfactory standards of design and visual amenity.
- 10.35 The indicative proposed materials include course split faced Yorkshire stone, buff bricks, off-white render, anthracite grey coping and fittings (including windows and doors), and grey and silver powder-coated galvanised steel accents (including signage and cross).
- 10.36 Officers consider the indicative proposed materials to be acceptable in principle and shall secure the relevant conditions for the full details of all external materials to be used before the development is constructed.

On-Site Landscaping

- 10.37 The main areas for on-site landscaping would be on the northern site boundary with the A638 where new grass and tree planting would be introduced. Further small-scale tree planting would also be introduced in and around the car park to the south, east, and west of the proposal. However, Officers note that no firm details of the types of trees to be planted has submitted at this stage.
- 10.38 The proposal would also include a secure private roof terrace for use by future occupiers. This area would provide a conservatory with WC facilities, outdoor seated areas, and raised planters and would form the main outdoor amenity space for future residents.
- 10.39 KC Landscape have reviewed the submitted information and recommend the imposition of a condition for the full details of all proposed hard and soft landscaping and ongoing maintenance and management arrangements. Officers agree with this approach and shall secure the necessary conditions.
- 10.40 Given the above, Officers consider that the proposal is in accordance with Policy LP24 of the adopted Kirklees Local Plan, Housebuilders Design Guide SPD, and NPPF (Chapter 12), particularly Paragraph 130.

Landscape Character

- 10.41 Policy LP32 requires that proposals should be designed to take into account and seek to enhance the landscape character of the area, with particular consideration of the setting of settlements and buildings within the landscape, as well as other environmental features in the vicinity.
- 10.42 NPPF (Chapter 12) Paragraph 130 requires proposals function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history (including the surrounding built environment and landscape setting), establish or maintain a strong sense of place, optimise the site's potential for sustainable development, and create safe, inclusive and accessible places.
- 10.43 The submitted Design and Access Statement provides an analysis of the surrounding area's residential and environmental character in terms of massing, house types and materials, and landscaping. This details that the context of the surrounding area is formed of bungalows to the north which are elevated above the level of the proposal

site due to the area's topography, 2 and 3 storey dwellings adjacent to the site and more widely in the area, and existing 2 and 3 storey industrial and commercial units present in the immediate vicinity of the site.

- 10.44 The form, scale and massing of the proposal is assessed in the previous section in design terms. However, in considering the context surrounding the site and its previously developed nature, the proposal is not expected to be out-of-keeping with the surrounding residential and commercial/industrial vernacular and landscape character.
- 10.45 The proposal would form a modern and visually attractive focal point on the boundary of the defined Littleton Local Centre on a gateway road towards the larger settlements of Cleckheaton and Heckmondwike/Dewsbury. Officers consider that the height of the proposal can be accommodated on the site due to the surrounding topography and existing built form. The A638 would also likely assist in reducing any dominance of the proposal on the prevailing character of the area due to its large width and busy nature giving the impression of a denser suburban area.
- 10.46 Overall, Officers consider that the proposal is in accordance with Policy LP32 of the adopted Kirklees Local Plan and NPPF (Chapter 12), particularly Paragraph 130.

Amenity

Separation Distances

- 10.47 Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.
- 10.48 Principle 6 of the adopted Housebuilders Design Guide SPD sets out the typical minimum separation between new and existing dwellings. These are:
- 21m between rear habitable room windows;
 - 12m between habitable and non-habitable room windows;
 - 10.5m between habitable room windows and boundaries of adjacent undeveloped land; and,
 - 2m (minimum) between side walls and shared boundaries where a new dwelling is located within a regular street pattern of 2-storeys or above.
- 10.49 The proposal is able to achieve the necessary required separation distances to habitable and non-habitable windows of neighbouring dwellings due to the layout and configuration/directionality of the setting of the proposed windows.

Residential Amenity

Overbearing

- 10.50 The proposed building would be larger than the existing residential dwellings in the immediate vicinity of the site. However, the site is considered to be able to accommodate a larger building due to the surrounding context and development pattern. As noted above, the proposal is also able to achieve the requisite separation distances to existing dwellings and has gone through an iterative design process to remove potentially harmful elements of the eastern elevation which could have caused issues in residential amenity terms. Overall, the proposal is not expected to have a significantly detrimental impact on the residential amenity of neighbouring occupiers in terms of overbearing.

Overshadowing

- 10.51 The applicant has submitted an overshadowing analysis which details that some limited overshadowing could take place on nearby properties to the north for limited times during the day and different times throughout the year. Officers do not consider the potential overshadowing effects to be significantly detrimental to the residential amenity of neighbouring occupiers as any effects would be temporary and not sustained for large periods. Officers also consider that due to the configuration of the site layout and the proposed building, it is unlikely that it would exacerbate any existing issues of overshadowing from nearby multi-storey uses and dwellings.

Overlooking

- 10.52 The proposed building and windows have been laid out and configured to try and avoid issues of overlooking. However, Officers recognise that the balconies on the southern elevation could lead to some limited impacts on the residential amenity of neighbouring occupiers to the south and west of the site in terms of overlooking their rear courtyard areas.
- 10.53 It is noted that the design of the balconies has attempted to reduce the potential impacts by enclosing the corners and directing outlooks towards the south of the site. It is possible that some incidental overlooking may occur, particularly in the summer months due to the south-facing orientation of the apartments at the rear of the proposal. However, Officers consider that any impacts would likely not have a significantly detrimental effect on the residential amenity of neighbouring occupiers in terms of overbearing due to the design and orientation of the proposed balconies, and the small nature of the existing rear courtyard areas and their largely overshadowed nature impacting on usability resulting from their host dwellings.

Loss of Outlook

- 10.54 The site currently houses an existing church building with very little soft landscaping present on-site. The introduction of the proposed building and improved (albeit still limited soft landscaping) is not expected to cause a detrimental loss of outlook for neighbouring occupiers. The proposal would also remove car parking from directly underneath the rear windows of the existing dwellings to the east. The re-development of the site with an architecturally interesting building and improved soft landscaping is expected to be a general betterment to that currently on-site. Therefore, the proposal is not expected to cause harm to the residential amenity of neighbouring occupiers in terms of loss of outlook.

Future Occupiers

- 10.55 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.
- 10.56 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.

- 10.57 NDSS for new residential dwellings state that single storey 1-bed 2-person dwellings should be at least 50 sqm in size, with 1.5 sqm of built-in storage. The proposed apartments range from 48.7 sqm to 51.6 sqm. There are a total of 5 apartments which fall under the required 50 sqm (first floor Apartments 2, 3, and 8; second floor Apartment 16; third floor Apartment 24). Officers note that these dwellings also have access to a private balcony area of between c. 10.3 sqm to 15 sqm. Whilst the balcony spaces would likely only be regularly used during the summer months, the proposed shortfall on internal square meterage of some of the apartments is not considered to be significantly detrimental to the residential amenity of future occupiers due to the ease of access to the communal areas on the ground floor and proposed private balcony spaces.
- 10.58 The proposal also offers future occupiers access to a range of on-site amenities, including a laundry and church, and is located close to shops, healthcare, and other local services. As the proposed occupancy conditions are for older parishioners of the church, the proposed good levels of residential amenity of future occupiers are not expected to diminish over time due to the nature and proposed use of the development.
- 10.59 Overall, the proposal is considered to be in accordance with Policy LP24 of the adopted Kirklees Local Plan and the Housebuilders Design Guide SPD in terms of residential amenity.

Noise & Odour

- 10.60 Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Noise

- 10.61 The applicant has submitted a Noise Impact Assessment in support of this application. This details that through the imposition of planning conditions for achieving acceptable atmospheric plant noise emission limits and technical specifications of plant and machinery, and alternative means of ventilation (in accordance with Approved Document F of The Building Regulations 2010 (as amended)) due to the potential amenity impacts of keeping windows open in the proposed dwellings, there would be no reasons in relation to noise impacts why the proposal should not be approved.
- 10.62 KC Environmental Health have reviewed the submitted information and note that due to likely uncertainties of the exact construction specifications to be used, some information regarding the party walls, floor, and ceilings between the commercial and residential aspects of the proposal has not been provided at this stage. In light of this, KC EH recommend conditions to secure these details and ensure the construction of these elements meets the higher standards of construction. Conditions to secure the full details of proposed ventilation units should also be secured. Furthermore, in the interests of preserving good levels of residential amenity, conditions to limit the operational hours of the commercial aspects of the proposal should be secured.
- 10.63 Officers also note that the proposed building would also be required to meet the standards laid out in Approved Document E of the Building Regulations 2010 (as amended).

Odour

- 10.64 No information has been provided at this stage regarding the type of ventilation and extraction units required for the commercial café kitchen. Full details of these would need to be provided via conditions to ensure no loss of amenity for future occupiers from noise or odour from the use of the kitchen.
- 10.65 Officers consider that the imposition of conditions for the abovementioned matters, and the control of fats, oils and grease from the commercial kitchen, are appropriate and shall be secured. As such, the proposal is considered to be in accordance with Policy LP52 of the adopted Kirklees Local Plan.

Refuse & Waste

- 10.66 Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.
- 10.67 The submitted plans and information show the provision of a new internal bin store at the south west corner of the proposed building which could accommodate five 1100 litres waste bins. The applicant has also confirmed that future occupiers would be responsible for presenting the bins at kerbside for collection. Swept path analyses have also been provided showing the ability of Refuse Collection Vehicles (RCVs) to enter and leave the site in forward gear.
- 10.68 KC Waste Strategy have reviewed the submitted information and note that due to the proposed quantum of residential development and community uses (including the café/commercial kitchen), a management company should be incorporated to remove commercial and residential waste from the site on an increased [weekly] timetable. Without the incorporation of such a management company, it is likely that the proposed quantum of waste storage would be insufficient for the proposed quantum of residential and commercial development, based on the Council's fortnightly collection timetables. Incorporation of a management company would be secured via a Section 106 Agreement.
- 10.69 The applicant's attention is also brought towards the relevant Waste Management in Buildings and fire regulations (BS 5906:2005, BS476-22:1987, BS EN 1634-1:2008, and CFPA-E Guideline No 7:2022 F) for the provision and use of internal bin stores.
- 10.70 No concerns have been raised by consultees with regards to RCV manoeuvrability within the site.
- 10.71 Given the above, and the incorporation of a management company to secure the requisite levels of residential and commercial waste collection from the site, the proposal is considered to be in accordance with Policy LP24 of the adopted Kirklees Local Plan.

External Lighting

- 10.72 No details of proposed external lighting have been received at this stage. To ensure that the proposal maintains good levels of residential amenity for neighbouring and future occupiers, the full details of any external lighting shall be secured by conditions. This should be done in accordance with the Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light.

Highways Safety & Parking

Locational Sustainability

- 10.73 Policy LP20 requires that proposals are located in accordance with the Council's spatial strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. Furthermore, proposals should be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity.
- 10.74 Policy LP48 further requires that community facilities are provided in accessible locations where they can minimise the need to travel or can be made accessible by walking, cycling and public transport.
- 10.75 The site lies adjacent to an existing bus stop with regular services to Bradford, Cleckheaton, Wakefield, Dewsbury, and Heckmondwike. The site is also located close to a small supermarket, health centre, and other local amenities and services both in and outside of the designated Littletown Local Centre.
- 10.76 In this regard, the proposal is considered to be in a sustainable location in terms of reducing the need to travel by private vehicle through good public transport links and the site's relatively close proximity to local good and services. As such, the proposal is considered to be in accordance with Policies LP20 and LP48 of the adopted Kirklees Local Plan.

Highways Safety

- 10.77 Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Furthermore, proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.
- 10.78 NPPF (Chapter 9) Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.
- 10.79 The applicant has submitted a Transport Statement (TS) in support of this application. This concludes that the proposal would result in a negligible increase in traffic along the local highway network based on the TRICS data provided.
- 10.80 KC Highways have reviewed the submitted information and note that the TRICS assessment has only been undertaken on the proposed C3 element of the proposal. No consideration has been given to the proposed community uses in terms of traffic generation. It is noted that the TS discounts assessment of these uses as they already exist on-site. However, the inclusion of a new café area has not been considered with the TS.

- 10.81 Officers note the shortcomings of the submitted information. Notwithstanding this, the proposed café is expected to have a modest 24 seats, which would result in the need for 6 car parking spaces (as assessed in the following section). Given that the estimated trip generation in peak hours is expected to be c. 19 in the morning peak and c. 17 in the evening peak, the additional cumulative traffic generation from the new proposed community uses is not expected to be severe.
- 10.82 Vehicular access to the site would be via an existing entrance on Carr St, which would be widened and made secure. Pedestrian and wheelchair access would continue off the A638 through enhanced gateways to better the permeability of the site.
- 10.83 In light of this, the proposal is not expected to result in cumulative severe impacts on highways safety and, therefore, is considered not trigger the requirements of NPPF (Chapter 9) Paragraph 111.

Car & Cycle Parking

- 10.84 Policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

Car Parking

- 10.85 The submitted Transport Statement references car parking standards set out in the Kirklees Unitary Development Plan. For the avoidance of doubt, the adopted Development Plan for the borough of Kirklees is the Kirklees Local Plan and its associated Supplementary Planning Documents.
- 10.86 The Highway Design Guide SPD does not set local parking standards but notes that it should be used as an initial point of reference in designing new schemes. Based on the calculations within the SPD for this proposal, a total 27 car parking spaces would be required (22 residential occupier spaces and 5 visitor spaces). Additional community use car parking would also be required. KC Highways have confirmed that the expected quantum of car parking for these uses would be:
- Church hall (51 seats) – 10 spaces
 - Community hall (56 seats) – 10 spaces
 - Café (24 seats) – 6 spaces
 - Expected total (including residential) – 53 car parking spaces
- 10.87 The application proposed 26 car parking spaces, 3 of which would be disabled parking spaces. It is also noted that 6 of the proposed spaces are tandem which are not independently accessible. The functional use of these spaces for residential use is therefore questionable. Given the abovementioned SPD calculations, the proposal would provide a shortfall of 1 residential/visitor car parking space (notwithstanding the 6 tandem parking spaces) and no car parking provision for the community uses. This results in a total combined shortfall of 27 on-site car parking spaces. The proposal also represents a reduction of 14 car parking spaces from what is currently available on-site.
- 10.88 The applicant notes that car ownership amongst future residents is expected to be inherently low, due to the age restricted nature of the proposals and the proximity of nearby public transport and local good and services. Officers note this position, but also note that this cannot be fully substantiated as the proposal is for C3 older people's housing without specific care requirements, meaning car ownership by future residents would not be based on or limited by expected mobility or other health issues as they might in a care home setting.

- 10.89 This shortfall in on-site provision would likely lead to an increase in on-street parking on Carr St. Given the nature of Carr St as a single carriage cul-de-sac which already sees a relatively high level of on-street parking from neighbouring uses, the addition of further parked cars could restrict the free flow of traffic along the highway. However, Officers consider that the potential impact of this would not likely be severe, as set out by NPPF (Chapter 9) Paragraph 111.
- 10.90 KC Highways have reviewed the submitted information and have raised an objection due to the lack of on-site car parking spaces to be provided. This objection is noted and shall be weighed in the planning balance at the end of this report.

Cycle Parking/Storage

- 10.91 The Highway Design Guide SPD recommends 1 cycle storage space per dwelling. The applicant is proposing the provision of 6 cycle stands, equating to 12 cycle storage spaces: a shortfall of c. 10 spaces under the SPD guidance. These are currently shown as uncovered and not located near the entrance of the proposed building, or in an area with good natural surveillance throughout the day. No cycle storage has been proposed for the proposed community uses.
- 10.92 Officers consider that the proposal cycle parking/storage arrangements would be inadequate for the proposed development in terms of the quantum proposed and its setting within the site.

Electric Vehicle Charging Points

- 10.93 KC EH recommend a condition to secure EVCPs for at least each residential unit with a dedicated car parking space, plus at least 10% of residential car parking spaces which are not allocated to specific dwellings, and at least 10% of all non-residential car parking spaces. This would equate to a requirement of c. 2 - 3 EVCPs based on the proposed 26 car parking spaces. The applicant is proposing the installation of 2 Electric Vehicle Charging Points which is considered to be adequate in planning policy terms. Conditions shall be secured for the full details of EVCPs prior to the first use of the proposal.
- 10.94 The applicant's attention is also drawn to the requirements of Approved Document S of The Building Regulations 2010 (as amended) which sets out the new building regulations for the provision of EVCPs and/or the installation of new cable routes to facilitate future EVCP installations for new residential and mixed-use developments.
- 10.95 Overall, the proposal is considered to be contrary to Policy LP22 of the adopted Kirklees Local Plan with a standing KC Highways objection. This policy conflict shall be weighed against the other policy and material considerations of the proposal in the planning balance at Section 11 of this report.

Flood Risk & Drainage

Flooding Risk & Sequential Test

- 10.96 Policy LP27 requires that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The national policy requirements are set out in NPPF (Chapter 14). This details the sequential approach to development and flood risk to steer new development to areas with the lowest risk of flooding from any source.

- 10.97 The application site is located within Flood Zones 1, 2, and 3a (least, medium, and high probability of flooding respectively). As such, compliance with the sequential test as set out in the NPPF is required. The National Planning Policy Guidance (NPPG) for 'Flood risk and coastal change' further sets out the requirements with regards to the sequential test for developments and flood risk.
- 10.98 NPPF (Chapter 14) Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 10.99 The applicant has submitted a Site-Specific Flood Risk Assessment (FRA) in support of this application. This details that the site has been laid out to concentrate the majority of new development in Flood Zone 1. Whilst there is new development in areas of Flood Zone 2 within the site, the proposed ground floor uses which would likely be susceptible to flooding risk are classed as 'less vulnerable' in Annex 3 of the NPPF. The 'more vulnerable' residential uses would be located on the first – third floors so would not likely be at risk from flooding. In this regard, the FRA notes that the site has been designed sequentially and would therefore meet the requirements of the sequential test. The FRA further notes that as a result of this, the exception test set out in NPPF (Chapter 14) Paragraph 163 would not be applicable.
- 10.100 The submitted FRA also proposes a number of mitigation measures to ensure that the proposed development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. These include raising finished floor levels to mitigate for potential 1 in 100 year + Climate Change events and 1 in 1000 year rainfall events, and the inclusion of a Flood Evacuation Management Plan.
- 10.101 KC Lead Local Flood Authority and the Environment Agency have reviewed the submitted information and raise no objections subject to securing the submitted mitigation measures by conditions. Officers note this recommendation and shall secure the relevant conditions. Notwithstanding this, the EA note that adopting their position does not remove the need for the Local Planning Authority to apply the sequential test.
- 10.102 KC Emergency Planning have also reviewed the submitted information and raise no objections to the proposal. They do advise, however, that the applicant and future residents sign up to received flood alerts and warnings for the River Spen.
- 10.103 The proposal is for a replacement church (which has occupied the site for a number of years) alongside other community facilities and C3 residential dwellings. Given that the site is already developed with, in part, the same use being proposed, it is considered that the site is adequate for its intended purpose. As such, there are not considered to be any other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in the vicinity of the proposal site. The submitted FRA is also considered to adequately assess the development vulnerability hierarchy within the different Flood Zones on the site and proposes reasonable mitigation measures so that the development will be safe for its lifetime taking account of the vulnerability of its users and without increasing flood risk elsewhere, as would be required by Part (b) of the exception test.
- 10.104 As the proposal is considered to meet the requirements of the sequential test set out in NPPF (Chapter 14) Paragraph 162, the exception test as set out in Paragraphs 163 and 164 is not considered to be applicable in this instance.

10.105 Following the above assessment, the proposal is considered to be in accordance with Policy LP27 of the adopted Kirklees Local Plan and NPPF (Chapter 14).

Surface & Foul Water Drainage

10.106 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that 'development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development'.

10.107 NPPF (Chapter 14) Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

10.108 The submitted FRA details some aspects of potential surface water drainage arrangements for this site, however full details of a surface water drainage strategy have not been submitted at this stage.

10.109 KC Lead Local Flood Authority (LLFA) have reviewed the submitted information. They note that some specific information relating to a proposed surface water drainage strategy has not been submitted at this stage, but also that these matters can be satisfactorily dealt with by pre-commencement conditions. This includes details of on-site surface water attenuation and off-site discharge. The LLFA note that surface water is likely to be discharged via the existing Yorkshire Water combined sewer in Carr Street (subject to YW approval) and do not raise any objections in this regard.

10.110 Yorkshire Water have also reviewed the submitted information and note that the proposed method of surface water drainage via the existing public sewer network is not the preferred option under the sustainable drainage hierarchy. YW require further details, to be secured by pre-commencement conditions, to ensure that the proposal complies with the relevant legislation and regulations for connection and surface water drainage via a public sewer. They also require that foul water from the café kitchen passes through an adequate fat and grease trap, the details of which can be secured by conditions. YW also require that the surface and foul water drainage systems are separate to their relative points of discharge.

10.111 Foul water drainage from the proposal is expected to be via the existing mains sewer.

10.112 Officers note these consultee comments and recommendations for pre-commencement conditions to be secured for surface and foul water drainage strategies. These shall be secured with the agreement of the applicant, as detailed in Section 10.134 of this report. As such, the proposal is considered to be in accordance with Policy LP28 of the adopted Kirklees Local Plan and NPPF (Chapter 14).

Biodiversity & Ecology

Biodiversity Net Gain

10.113 Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.

- 10.114 The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that 'at this time, in the absence of legislation, a minimum of 10% net gain in biodiversity is required'.
- 10.115 NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 10.116 The applicant has not submitted a completed a DEFRA Biodiversity Metric 3.1 to ascertain site's biodiversity baseline and potential BNG impacts of the proposal. However, Officers note that the site currently has limited ecological value and potential, with only some small areas of lawn and sporadic shrub planting around the existing building. The proposal would introduce c. 15 new trees onto the site and provide areas for further soft landscaping and planting on the proposed roof terrace and to the east of the site. As noted in Section 10.39, the full details of the proposed soft landscaping would be secured by conditions.
- 10.117 Officers consider it highly likely that the proposal would provide a biodiversity net gain on the site but note that this cannot be quantified at this stage. KC Ecology have reviewed the submitted information and request conditions to secure ecological enhancements to promote BNG on this site. The details of soft landscaping can also be secured to maximise the proposal's BNG potential. In this regard, the proposal is considered to be in accordance with Policy LP30 of the adopted Kirklees Local Plan and NPPF (Chapter 15).

Protected Species

- 10.118 Policy LP30 requires that proposals must protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.119 The site lies within a Bat Alert Area. As such, the applicant has submitted a Bat Survey Report in support of this application. This details that on-site emergence surveys have been undertaken which resulted in very low contacts with bats, and that no roosts were identified or suspected within the surveyed building. The report recommends the introduction of a works stoppage protocol during demolition of the existing building if bats are found with consultation required by a suitably licensed ecologist. Further recommendations are made for the inclusion of integral bat roost features within the proposed development.
- 10.120 The site also lies in the vicinity of a Swift (*Apus apus*) nesting record, focussed around a sighting on 19/07/2016 at the land adjacent to 52 Valley Rd, Liversedge, c. 377m south east of the proposal site. Given the distance from the site and the lack of sighting records since 2016, the proposal is considered not to pose a risk to nearby Swift nesting habitat.
- 10.121 KC Ecology have reviewed the submitted information and concur with the findings in the submitted ecology reports and recommended securing conditions for the provision of integral bat boxes within the proposal. As such, Officers consider that the proposal is considered to be in accordance with Policy LP30 of the adopted Kirklees Local Plan and NPPF (Chapter 15).

Planning Obligations

Required Financial Obligations

- 10.122 Policy LP63 states that the council will seek to secure well-designed new and improved open space [...]. New housing developments will also be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.
- 10.123 The adopted Open Space SPD sets out the Council's approach to securing off-site public open space financial contributions where a proposal provides a shortfall in the quantum of required on-site public open space. These planning obligations are required to improve the local public open space offer due to the increased impacts of new residential development on existing provision. The obligations cover a number of public open space typologies and are tailored to local need and the type of residential development proposed.
- 10.124 As a residential development for older people's housing comprising of 22 new dwellings, the required off-site public open space contribution for this application is **£31,463.56**. This figure breaks down to:
- Amenity Green Space – £8,793.96
 - Parks and Recreation – £12,218.18
 - Natural and Semi-Natural Green Space – £10,451.43
- 10.125 The nearby facilities of Firthcliffe Recs, Royds Park, Millbridge Park, and Radulf Gardens have been identified by KC Landscape as requiring improvement. The financial contributions above should be allocated to these facilities to enhance local public open space provision. The contributions would be sought via a Section 106 Agreement. As such, the proposal is considered to be in accordance with Policy LP63 of the adopted Kirklees Local Plan.
- 10.126 Following the above assessment of the proposal, a Section 106 Agreement will be required to secure the following Heads of Terms:
- 22 affordable dwellings in perpetuity
 - Age-restricted occupancy to over 55s and faith-based (Methodists)
 - Off-site Public Open Space contribution of £31,463.56
 - Incorporation of a management company for the collection of residential and commercial waste

Other Material Considerations

Contaminated Land

- 10.127 Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.
- 10.128 NPPF (Chapter 15) Paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.

- 10.129 The applicant has submitted a Phase I Desk Study Report for ground contamination, Coal Mining Risk Assessment, and Minerals Resource Assessment in support of this application. These conclude that the site is not likely to be at risk from previous coal mining workings in the wider area or that the proposal would have a detrimental impact on the mineral resources which underlay the site. However, the site is considered to be at risk from contaminated land from made ground, ground gas, and asbestos (amongst other potential sources). The Phase I Report recommends a Phase II Assessment is undertaken prior to development to confirm any actual risks from potentially contaminated land.
- 10.130 KC Environmental Health have reviewed the submitted information and agree with the conclusions that a Phase II intrusive ground investigation is required to be secured by pre-commencement condition. Further subsequent conditions shall also be secured for the remediation and verification of any confirmed contaminated land.
- 10.131 Given the above, Officers consider that the proposal is in accordance with Policy LP53 of the adopted Kirklees Local Plan and NPPF (Chapter 15), particularly Paragraph 183.

Construction Matters

- 10.132 As with any new development project, there would likely be some disturbance to residential amenity during the construction phase of the proposal. Officers note, however, that this in itself is not a material consideration in planning terms that would weigh against a grant of planning permission.
- 10.133 In noting this, KC Environmental Health have recommended conditions to limit on-site working hours to minimise adverse impacts on occupiers of nearby properties during the construction process. Officers agree with this approach and shall secure the necessary conditions. Officers also consider that a Construction Method Statement should be secured via conditions to minimise disruption on residential amenity during the construction process.

Pre-Commencement Conditions

- 10.134 The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. The applicant agreed to the imposition of the relevant pre-commencement conditions (proposed Conditions 4 – 12) in writing on 25/11/2022.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal is considered to be in accordance with Policies LP1, LP2, LP3, LP7, LP13, LP20, LP24, LP27, LP28, LP30, LP32, LP48, LP52, LP53, and LP63 of the adopted Kirklees Local Plan.

- 11.3 It is also considered, however, that the proposal is contrary to Policies LP11 (in terms of housing mix) and LP22 which is substantiated by a standing objection from KC Highways. As Officers have previously assessed, conflict with Policy LP11 is considered to be somewhat tempered by the demonstrable need of the proposed housing mix. With regards to Policy LP22, the consultee objection has been duly noted but it is not considered that the proposal would lead to a severe cumulative effect on highways safety as detailed by NPPF (Chapter 9) Paragraph 111. Although the policy conflict still weighs against the grant of planning permission for this application.
- 11.4 The proposal is not considered to be contrary to Policy LP21 in highways safety terms, although Officers note the deficiency of some of the information provided relating to traffic generation from the proposed community uses. Similarly, to Policy LP22, the proposal is not expected to cause a severe cumulative effect on highways safety as detailed by NPPF (Chapter 9) Paragraph 111.
- 11.5 In assessing the planning balance in light of the considered policy departures and objections, Officers also note that the proposal has a number of public benefits associated with it. These are considered to be:
- Re-development of a previously developed site
 - Short term local economic benefit during construction
 - Longer term local economic benefit of an increased local population who will require the use of local goods and services
 - Provision of 22 affordable homes for older people
 - Improved local community facilities
- 11.6 Additionally, whilst the Council is currently able to demonstrate a five-year housing land supply, the provision of 22 C3 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (Chapter 5) Paragraph 60 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore considered to be a benefit, carrying its own weight.
- 11.7 Overall, given the assessment of the proposal against the policies in the adopted Kirklees Local Plan, and other material considerations relevant to the proposal, the public benefits of the proposal are cumulatively deemed to outweigh the specific conflicts within the relevant Development Plan policies as detailed above. As such, it is considered that the development would constitute sustainable development and can be considered favourably as a departure from adopted Development Plan policy.
- 11.8 Therefore, **approval** of this application is recommended, subject to a signed Section 106 Agreement and the imposition of the conditions listed below.

12.0 CONDITIONS

1. Development to begin within 3 years
2. Development in accordance with approved plans
3. Completion of a Section 106 Agreement

Pre-Commencement

4. Construction Method Statement
5. Contaminated Land Phase II Intrusive Site Investigation Report
6. Details of Contaminated Land Remediation Strategy
7. Implementation of Contaminated Land Remediation Strategy
8. Contaminated Land Verification Report
9. Details of surface and foul water drainage strategies
10. Details of overland flow routing

11. Details of construction phase surface water flood risk and pollution prevention plan
12. Details of surface water pollutant interceptor for car park/hardstanding areas

No Development above Slab Level

13. Details of all external materials
14. Details of hard and soft landscaping including Landscape Management Plan
15. Details of commercial kitchen extraction scheme
16. Details of ventilation of habitable rooms
17. Details of commercial pollution prevention (fats, oils, and grease)

Prior to First Use/Occupation

18. Laying out of car parking, turning, loading areas
19. Details of secure cycle parking
20. Details of Electric Vehicle Charging Points
21. Details of external lighting
22. Details of refuse and waste storage and collection
23. Details of acoustic performance of party floors, walls, and ceilings
24. Details of integral bat boxes

Other

25. Separate surface and foul water drainage systems
26. Completion of surface water drainage works prior to first piped discharge
27. Development in accordance with Flood Risk Assessment
28. Development in accordance with Bat Survey Report
29. Development in accordance with Noise Impact Assessment
30. Noise levels from fixed plant and equipment
31. Hours of commercial operations
32. Occupancy restrictions

and any other conditions deemed necessary by the Head of Planning and Development.

13.0 HUMAN RIGHTS

13.1 APPROVAL

- Article 8: The right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate, and in accordance with planning law.

14.0 STANDING DUTIES

14.1 Due regard has been given to the following duties:

- Environment Act 2021
- The Conservation of Habitats and Species Regulations 2017 (R9)
- Equality Act 2010
- Planning Act 2008 (S183)
- Natural Environment & Rural Communities Act 2006 (S40)
- The Planning and Compulsory Purchase Act 2004
- Crime and Disorder Act 1998 (S17)

- Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life
- Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)
- The Town & Country Planning Act 1990 (as amended)

Local Financial Considerations

- 14.2 Under Section 70(2) of the Town and Country Planning Act 1990, the Council is required when determining planning applications to have regard to any local financial considerations, so far as material to the application.
- 14.3 Local financial considerations are not considered to be material to this case.

Crime and Disorder

- 14.4 The application raises no significant crime and disorder issues.

Equality and Diversity

- 14.5 The application raises no significant equality and diversity issues.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership:

Certificate A signed.