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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 15-Jun-2023**

**Subject: Planning Application 2022/90672 Erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of no.1 Row Street. Land rear of, Row Street, Crosland Moor, Huddersfield, HD4 5BB**

**APPLICANT**

Paul Hargreaves,  
Parkview Property  
(Lancashire) Ltd

**DATE VALID**

10-Mar-2022

**TARGET DATE**

09-Jun-2022

**EXTENSION EXPIRY DATE**

30-Jun-2023

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[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Crosland Moor & Netherton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

**REFUSE permission for the following reasons:**

1. The proposed development layout does not achieve a net density of 35 dwellings per hectare that would be sufficient to use land efficiently for a residential purpose. As such the proposal is contrary to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework as it does not seek to maximise housing delivery and is not overridden by mitigating reasons with regard to development viability, compatibility with its surroundings or meeting local housing needs. The lack of a sufficient density would also further undermine the Local Planning Authority's housing delivery target, which is subject to a Housing Delivery Test Action Plan.
2. The applicant has failed to justify the provision of no affordable housing units on a site which, in total, would require 4. No weight has been afforded to the submitted Viability Assessment as the Independent Review shows that the provision of 2 affordable units could be viable. As such, the proposal would be contrary to Policy LP11 of the Kirklees Local Plan and Paragraph 58 of the National Planning Policy Framework.
3. The proposed development, by reason of its contrived, minimalistic and regimented layout, scale and appearance, would fail to sympathetically relate to existing development within the locality and would fail to provide a housing mix in respect of the character of the area. The development would therefore be contrary to Policies LP11 and LP24 of the Kirklees Local Plan, Principles 2 and 14 of the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
4. The proposed development, by reason of the severely limited amount of useable internal floor space for each dwelling, would provide a poor standard of amenity to future occupiers contrary to paragraph 130(f) of the National Planning Policy Framework, Principle 16 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Policy LP24(b) of the Kirklees Local Plan.
5. The applicant has failed to demonstrate, through the submission of sufficient drawings and information, that the proposals would: ensure an adequate provision of on-site parking and visitor parking spaces and would take into account access and egress for emergency services and refuse collection. These deficiencies in the application are all to the detriment of highway and pedestrian safety, contrary to Policies LP22 and LP24 of the Kirklees Local Plan, Key Drivers of the Highways Design Guide SPD, Principles 12 and 19 of the Housebuilders SPD and the aims of the National Planning Policy Framework.

6. The application, by lack of information fails to demonstrate any mitigation measures to overcome the ecological harm the development would cause and to provide a 10% net biodiversity gain. Therefore, to grant permission would be contrary to Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. The application fails to provide green infrastructure and an attractive frontage, as it does not make effective use of tree-lined streets in the site. This would fail to maximise visual amenities, ecological benefits and adaptation to climate change. Therefore, to grant this permission would be contrary to Policy LP24(i) of the Kirklees Local Plan, Principle 7 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF, particularly Paragraph 131.

8. The application, by reason of insufficient information, fails to demonstrate whether adequate space or provisions for surface water, rainwater and foul waste drainage can be provided within the site. As such, there are severe concerns as to whether the site could successfully and safely accommodate suitable drainage systems for the level of waste water and foul waste infrastructure required to meet the demand by the new development. As such, the scheme does not comply with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. The application submission fails to demonstrate how meaningful or useable amenity green space or public open space of any typology can be provided on the site. Therefore, it is concluded that the proposal, due to the lack of on-site public open space provision and the inability to secure any off-site contributions, is contrary to Policy LP63 of the Kirklees Local Plan and Open Space Supplementary Planning Document.

## **1.0 INTRODUCTION:**

1.1 The application has been brought before the Huddersfield Area Planning Sub-Committee due to it being a residential development under 61 units on a site over 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

1.2 The previous planning permission, 2015/92227, was determined at Huddersfield Sub-Committee on 31 March 2016.

## **2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises of an area of land located to the rear of Row Street at Crossland Moor. The site is approximately 0.7 ha and was previously occupied by Paddock Field Mill but has since then been cleared. The site benefits from an extant consent for the erection of 19 dwellings, including development of associated access and hard and soft landscaping and the demolition of No.1 Row St (Approved: 2017-02-08 – which is extant by virtue of commencement of development on site (confirmed by a Lawful Development Certificate).

2.2 The site is bounded by closely spaced, terraces of properties to the north and a railway line/footbridge to the east. The west of the site is immediately adjoined by an area of unallocated land (former garage site) which itself is then bounded by a tree belt separating it from the adjacent recreational open space further west.

2.3 The site is currently accessed from between No.1 Row Street and No.17 Row Street, to the north-eastern corner of the application site. A hard surfaced track then separates the application site from the gardens to the rear of the terraced properties (known as Row Street) and exits back onto Mill Street adjacent to No.43 Row Street.

2.4 The surrounding area is predominately residential, and the site is unallocated as part of the Kirklees Local Plan (2019).

### **3.0 PROPOSAL:**

3.1 The application seeks full planning permission for residential development for the erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of No.1 Row Street.

3.2 Plot 1 would be sited to the east of the proposed internal access road, with plots 11-19 sited in a row to the north of the access road, plots 2-6 located to the south of the road, and plots 7-10 located in the south-western corner of the site perpendicular to Row Street. The layout of the properties has been designed so that each of the dwellings would have its own element of amenity space to the rear, with parking spaces provided to the front.

3.3 The proposed dwellings are single storey, two bed units, of a simple rectangular design with a gable roof design. The overall height of the dwellings would be 5.7 metres and the design features would include entrance canopies to the respective side elevations. It is proposed that the dwellings would be faced with buff stretcher bond brickwork, cast stone decorative heads and sills, Portland stone colour and slate effect roof tiles, Marley or similar.

3.4 Access to the site would require the demolition of No.1 Row Street in order to create a width of 5.5m which would then be extended into the application site.

3.5 The application is effectively a resubmission of application 2015/92227 - Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping and the demolition of No.1 Row St (Approved: 2017-02-08 - which is extant by virtue of commencement of development on site (confirmed by a Lawful Development Certificate). The submitted documents states that the scheme differs in the following respects:

- Rotating to roofs of the dwellings by 90 degrees so that the gable end (currently facing the road) faces the side elevations, and the pitched tiled roof faces the road and rear.
- Submitting a proposed change in material of the artificial stone which was proposed to face the dwellings under the extant permission, to buff stretcher bond brickwork.

3.6 In addition, the application proposes to remove the previous requirement (secured by a Section 106 Agreement) for the provision of two affordable dwellings. A viability assessment/report has been submitted as part of this application to this effect, which will be reviewed in more detail below. The previously required financial contribution for off-site Public Open Space provision (£5,638.00) from the extant planning permission has already been paid to the Council. However, this application would form a new permission in its own right.

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

##### **4.1 At the application site:**

2023/91259 Variation condition 2 (plans) and 3 (facing and roofing materials) on previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping – Pending consideration.

2021/93457 Certificate of lawfulness to confirm valid commencement of development approved under 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping within the 3 year time limit given in condition 1 – Granted.

2015/92227 Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping – Granted.

2009/92785 Demolition of no.1 Row Street and erection of 33 dwellings with associated parking and landscaping – Granted.

2005/94809 Demolition of 1 Row Street and erection of 31no terrace houses – Granted.

##### **4.2 Surrounding the application site:**

2019/91394 Erection of garage (storage) and loading bay (modified proposal) – Granted.

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

5.1 Officers have negotiated with the applicant to assess the viability of the scheme in relation to the previous of two affordable dwellings.

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

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

##### **Kirklees Local Plan (2019):**

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk

- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

## 6.2 Supplementary Planning Guidance / 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)
- Viability Guidance Note (June 2020)
- Interim Affordable Housing Policy (January 2020)
- Kirklees Highway Design Guide (November 2019)

## National Planning 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.

- 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

## 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 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised via site notice, neighbour notification letters and the press. Final publicity expired on the 5<sup>th</sup> May 2023. As a result of the above publicity, 1 public representation was received. The comments raised are as follows:

- Who will the dwellings be for?
- Concern regarding the level of publicity for the application.
- Already existing problems in the area in relation to anti-social behaviour.

### 7.2 Local ward councillors

Councillors Kaushik, Lawson and former Cllr Sarwar have been notified as part of this application process, however, no comments have been received.

## **8.0 CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

- Yorkshire Water – Advice received and conditions proposed.

### 8.2 **Non-statutory:**

- KC Crime Prevention – No objections subject to conditions.
- KC Ecology – No ecological information has been submitted with this application. As such, a Preliminary Ecological Appraisal Report (PEAR) of the site is required, along with a Biodiversity Net Gain Assessment.
- KC Environmental Health – No objections subject to conditions.
- KC Highways Development Management – No objections subject to conditions.
- KC Highways Structures – No objections subject to conditions.
- KC Landscape – No comments received.
- KC Lead Local Flood Authority – Objects to the proposal, as the submitted information does not give details of the proposed surface water drainage or provide any hydraulic calculations to show that the surface water discharge off site will be attenuated to the equivalent greenfield run-off rate for critical rainfall events up to 1 in 100 year return period (plus a climate change allowance)
- KC Parks & Recreation – No comments received.

- KC Public Health – No further information required.
- KC Public Rights of Way – No comments received.
- KC Strategic Housing – Based on a total of 19 dwellings, 4 affordable dwellings would be required.
- KC Trees – There has been little arboricultural detail supplied with this application and therefore, Officers would like to see how the trees closest to the perimeter will be protected during the construction phase and require further detail within a landscape plan to show exactly what size/species of new trees will be integrated into the site.
- KC Waste Strategy – Further information required.
- British Transport Police – Supports the application subject to conditions.
- Network Rail – No objections subject to conditions.
- West Yorkshire Combined Authority – Sustainable travel financial obligation requested.

## **9.0 MAIN ISSUES**

- Principle of development (including house mix, density, affordable housing and viability)
- Visual amenity
- Residential amenity
- Highway issues
- Drainage issues
- Ecological impacts
- Other matters
- Planning obligations
- Representations

## **10.0 APPRAISAL**

### Principle of development

### Sustainable development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:



*“All development 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, as set out in the four sub-area statement boxes below...”*

- 10.3 The site is within the Huddersfield South Sub Area.
- 10.4 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.5 The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

#### Housing density

- 10.6 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.
- 10.7 Paragraph 119 of the NPPF 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.
- 10.8 In this case, the proposal is for 19 dwellings on a site area of approximately 0.7 ha. Therefore, the proposed housing density is approximately 27 dwellings per hectare. This is considered to be considerably lower than the required density. Although Policy LP7 does allow some flexibility for lower densities where satisfactorily justified – i.e., where it can be demonstrated that it is necessary to ensure the development is compatible with its surroundings, due to viability or to secure particularly house types to meet local need – this is not considered to be applicable in this instance.
- 10.9 As the surrounding housing stock is largely made up of dense terraced housing, there are considered to be no mitigating landscape character reasons to justify a lower density. Although undemonstrated, a higher yield of proposed dwellings would likely increase the development’s viability.

## Housing Mix and Type

- 10.10 Policy LP11 of the Kirklees Local Plan requires that *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need”*.
- 10.11 KC Strategic Housing have reviewed the proposal. They note that, based on the Council’s Strategic Housing Market Assessment (SHMA), this area of Huddersfield is in greatest need of affordable 3 and 3+ bed dwellings, with a lesser need for 1 and 2-beds. As the proposal is for 19 2-bed dwellings, Officers consider that the proposal does not necessarily provide an appropriate housing mix for the local area. However, it is noted that KC Strategic Housing have not raised an objection in this regard.
- 10.12 It is also noted that the 19 proposed dwellings would all be single storey bungalows. This is considered to suit older people and those with mobility requirements. The applicant has confirmed that the proposed dwellings would meet the optional accessible and adaptable, and wheelchair use dwellings standards under regulations M4(2) and M4(3) of Approved Document M of The Building Regulations 2010 (as amended). Whilst this is not an explicit policy requirement, compliance with these regulations is seen as a material benefit of the scheme in its own right, particularly given the likely target buyers for these dwellings based on their size and scale.
- 10.13 Overall, Officers consider that the proposal is in accordance with Policy LP11 of the adopted Kirklees Local Plan in its broadest sense, as it would still provide needed (albeit to a lesser extent) 2-bed dwellings in this area of Huddersfield. Officers also note that as this application was received prior to the adoption of the new Affordable Housing and Housing Mix SPD in March 2023, these standards cannot be applied in this instance.

## Affordable housing and viability

- 10.14 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.
- 10.15 KC Strategic Housing have confirmed that based on the provision of 19 new dwellings, 4 affordable houses would be required as part of this application.
- 10.16 The applicant submitted this application in part to vary the previously secured Section 106 obligation for 2 affordable dwellings under extant planning permission 2015/92227. Consideration of the viability assessment in this regard shall be undertaken in the following section. Notwithstanding the viability assessment for the provision of the 2 affordable dwellings, a further 2 affordable units would still be required and would need to be secured via a new S106 agreement for this application. This uplift in the quantum of affordable housing required is due to the changing planning policy context from that of the extant planning permission; namely the adoption of the Kirklees Local Plan in 2019.

- 10.17 As the proposal is proposing 0 affordable dwellings, regardless of the outcome of the viability assessment, the proposal is considered to be contrary to Policy LP11 of the adopted Kirklees Local Plan as non-compliance with the policy requirements has not been justified.

#### Independent Viability Assessment

- 10.18 Paragraph 58 of the NPPF, states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 10.19 The National Planning Practice Guidance (NPPG) for Viability Paragraph 018 (Reference ID: 10-018-20190509, dated 09/05/2019) states that 15-20% of gross development value (GDV) may be considered a suitable return to developers. The Kirklees Viability Guidance Note reflects this standard at Paragraph 3.23.
- 10.20 The applicant submitted evidence in the form of a Viability Assessment to remove the provision of 2 affordable dwellings from the previous Section 106 Agreement secured under extant planning permission 2015/92227. The Public Open Space contribution of £5,638 had already been paid to the Council and was not for consideration as part of the assessment. Notwithstanding this, as this is a new full application rather than a Section 73 Variation of Conditions application, a new off-site Public Open Space contribution would also be required; which has not been factored into the viability assessment.
- 10.21 Following receipt of the Viability Assessment, an independent Chartered Surveyor and Registered Valuer (MRICS) viability assessor was procured to determine whether the proposal would be viable with the inclusion of the 2 affordable dwellings.
- 10.22 Following an iterative assessment process, additional information was requested by the independent assessor from the applicant and a number of revisions were made to stated costs based on industry best practice and up-to-date available costs and sales prices. Based on the information available at the time, the independent viability assessor concluded that the proposal would be viable – able to achieve a profit of 19.8% on sales – with the inclusion of the 2 affordable dwellings.
- 10.23 Given this conclusion of a viable scheme, Officers consider that there is no justification for the provision of 0 affordable dwellings as part of this proposal and therefore afford no weight to the submitted Viability Assessment. As previously noted, the proposal is already considered to be contrary to Policy LP11 of the adopted Kirklees Local Plan due to the number of affordable dwellings required, but this is considered to be strengthened further by the viability evidence and the requirements of Paragraph 58 of the NPPF.

- 10.24 Therefore, whilst the principle of developing the site for residential is considered acceptable and has been established under the previous application 2015/92227, the density of the development proposed and the provision of 0 affordable houses cannot be supported by Officers for the aforementioned reasons.

#### Visual amenity

- 10.25 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 of the KLP states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*.
- 10.26 Further to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 10.27 Firstly looking at the layout of the proposed dwellings, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 6 of the Design Guide SPD further highlights that ‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.
- 10.28 In this case, the development has been designed with a central road running through the site, which turns into a shared driveway to the south. Three different house types are proposed. These are all variations of the same underlying footprint and design, changing only to allow different window and door placements depending on the location of the dwelling within the site. All of the proposed dwellings are single storey bungalows with pitched roofs. French doors in the rear lounge areas provide direct access to the rear garden areas. The dwellings main entrances are located on the side elevation, not at the front of the dwellings. Each dwelling is also a detached, meaning that there is no visual change in house types across the entirety of the site.

- 10.29 Two bedrooms would overlook the street at the front of each dwelling (except Plots 1 and 2). This would have the effect of effectively sterilising the dwellings' frontages as very little natural surveillance over the street scene would occur during daylight hours. The regimented appearance of all 19 dwellings having the same street forward aspect with repetitive windows would also negate any meaningful legibility of the site and present bland and undesirable facades facing the site's public areas.
- 10.30 It is also considered highly likely that the residential amenities of future occupiers would be detrimentally affected by this internal layout arrangement as noise and light pollution from cars driving through the site and/or parking up outside of houses at night would be disruptive, particularly as the car parking spaces are tight up against the street-facing bedroom windows.
- 10.31 For the above reasons, Officers consider that the site layout and the form and massing of the proposed dwellings is incompatible with the principles of good urban design, particularly the Kirklees Housebuilders Design Guide SPD.
- 10.32 With regards to materials, the proposed dwellings would be constructed of buff stretcher bond brickwork with cast stone decorative heads and cills, slate effect roof tiles, and white uPVC windows, doors, and rainwater goods. The exact details of the proposed materials are unknown at this stage, however the submitted Planning Statement notes that the chosen materials would be a simple palette to create a positive contrast to the existing (and more historic) neighbouring buildings.
- 10.33 In this instance, Officers do not consider that the choice of materials to be in keeping with the surrounding built form, as stone appears to be the prevailing material. The original planning application also secured the use of this material to ensure that the development would better integrate the proposal into the wider area and local design vernacular. Therefore, in the case of an approval, alternative materials could be sought via a condition.

#### Landscaping and Public Open Space

- 10.34 Policy LP63 seeks to secure well-designed new and improved open space from proposals for new residential development. The Open Space SPD states that 'for developments of 10 or less dwellings there is no requirement to provide new open space'. Although it does encourage on-site provision of new open space on smaller sites to 'ensure a well-designed scheme for the benefit of new residents'.
- 10.35 The Council's Open Space SPD sets out the evidenced approach to open space provision for new residential developments. This includes an assessment of open space typology (Amenity Green Space, Children & Young People, Parks & Recreation, Natural & Semi-Natural Green Space, Allotments, and Outdoor Sport Facilities) requirements for each area of the borough, as well as the requirements for play equipment provision and enhancements to off-site areas of public open space if the required standards cannot reasonably be accommodated on-site.

- 10.36 The proposal does not provide any meaningful or useable amenity green space or public open space of any typology on the site, nor does it provide a Local Area for Play (LAP) as required for a residential development of this size. As a result of this, off-site contributions have been calculated for each typology of public open space (except allotments as the proposal falls under the trigger for this typology) based on the provision of 19 dwellings in Crosland Moor & Netherton. A total of approximately £42,564.21 towards off-site Public Open Space mitigation would be required and need to be secured via a Section 106 Agreement, in the case of an approval.
- 10.37 Having taken into account the above, Officers conclude that the proposal would fail to promote good design, due to the lack of variation between the dwellings and the poor choice of materials proposed, especially within an area dominated by natural stone and given that the original permission was approved with such materials. More specifically, Paragraph 135 of the NPPF states that *“local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”*. In this case, Officers consider the change of materials to further dilute the scheme when compared to the original permission. Lastly, the introduction of heavily paved frontages would create a sea of hardstanding, with very limited green space to offer a buffer. For this reason, the proposal would fail to accord with the aforementioned policies and guidance.

#### Residential Amenity

- 10.38 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: “They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.
- 10.39 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.40 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. Whilst scale is a reserved matter, it is likely that two storey dwellings would be proposed as this would be in keeping with the surrounding built form. For two storey houses, his SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back of dwellings
  - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
  - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.

- 10.41 The nearest residential properties to the site are those to the north (including north west and north east along Row Street) at no.s 3 – 35 Row Street and no. 17 Cross Street. Officers note the change in levels from the south of the site to the north, and the existing dwellings on Row St. However, given the separation distances proposed (in excess of 21m as set out within Principle 6 of the SPD) and the single storey nature of the dwellings (and landscaping mitigation likely able to be achieved), it is considered that the proposal would not lead to detrimental impacts on neighbouring amenity in terms of overbearing, overshadowing, overlooking or loss of outlook.
- 10.42 To the west of the site, is a commercial property known as Fazel House and to the south and south west is a recreation ground and railway line.

#### Amenity of the future occupiers

- 10.43 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*
- 10.44 It has been noted, that the separation distances between the new dwellings would be compliant with the guidance set out within the SPD. 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. The NDSS for new residential dwellings state that single storey 2-bed dwellings should be at least 61 sqm in size. The proposed dwellings measure c. 44.5 sqm. Officers note that the proposed dwellings are considerably undersized which would likely have a significant effect on the residential amenity of the future occupiers, failing to comply with LP24 (b) of the Kirklees Local Plan and Chapter 12 of the NPPF, particularly Paragraph 130 (f).

#### Noise

- 10.45 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.

- 10.46 No information relating to noise impacts from and on the proposal have been submitted in support of this application. KC Environmental Health note the presence of the existing railway line to the east of the site and recommend a condition for a Noise Impact Assessment to ensure that noise from the railway does not detrimentally impact on the residential amenities of future occupiers. Officers note this recommendation and would secure the relevant pre-commencement conditions to protect residential amenities.
- 10.47 In summary it has been concluded that due to the size of the units proposed, they would not promote or provide a high standard of amenity for the future occupants and would be contrary to both local and national planning policy.

#### Highway issues

- 10.48 Paragraph 111 of the NPPF 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." The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan.
- 10.49 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.50 Aside from the submitted proposed site layout plan, no further highways information has been submitted. It is noted that No.1 Row St has been demolished under the extant planning permission to facilitate an acceptable site access.
- 10.51 KC Highways Development Management have raised no objections to the proposal, subject to the imposition of the same conditions as the extant planning permission due to it being effectively the same in highways terms. KC HDM also note the advanced Section 38 Agreement process for the adoption of the site's internal estate roads under the extant planning permission.
- 10.52 However, 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.
- 10.53 Key Design Driver 20 of the Highway Design Guide SPD states that the Council does not set local parking standards for residential developments. However, as an initial point of reference for residential developments (unless otherwise evidenced), it is considered that new 2-bed dwellings should provide a minimum of two off-street car parking spaces. Furthermore, in most circumstances, 1 visitor space per 4 dwellings is considered appropriate and 1 cycle space per unit is recommended.



- 10.54 Most of the proposed dwellings would have 2 car parking spaces, except Plot 10 which would only have 1, and Plot 2 which would not have any allocated spaces. No visitor parking has been provided within the site, of which 5 would be expected. The arrangements of the proposed car parking spaces would entirely visually dominate the site as every space is located on vast areas of hardstanding in front of the proposed dwellings. This would be contrary to Principle 12 of the SPD which states that car parking should *“not dominate street frontages through parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings”*. Moreso, the proposed spaces for Plots 3-6 would be grouped in 2 groups of 4 and project further into the site than the limited areas of proposed landscaping, adding to the visual dominance of car parking when entering the site.
- 10.55 Given the above assessment, the proposal is considered to be in conflict with Policies LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF, as well as Government’s current guidance on design quality.
- 10.56 KC Highways Structures have recommended conditions to ensure that any retaining structures in the vicinity of the highway, as well as surface water attenuation apparatus within the proposed highway footprint or its zone of influence, do not detrimentally impact on the safe use of the existing or proposed highways. Officers consider this approach to be appropriate and would secure the relevant conditions.

#### Refuse and Waste

- 10.57 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.
- 10.58 Each proposed dwelling (except Plot 1) has space for 3 wheelie bins within their curtilage. The majority would accommodate these to the rear, except for Plots 1 and 2 which would be to the side. For these dwellings, a condition for an adequately built bin store would be required to lessen the visual amenity impact on bins visible from the street.
- 10.59 Most dwellings would also have a bin collection point adjacent to their car parking spaces. The exceptions being Plots 3-6 where a more contrived layout is proposed due to the proposed car parking layout. Of concern is the bin presentation point for Plot 3 where a set of ‘ambulant disabled steps’ are proposed between the dwelling and BCP, indicating that the site levels in this area would be too steep to drag a fully loaded wheelie bin; particularly for elderly people or those with mobility issues. Notwithstanding this, Officers consider that the bin presentation points could be moved for amenity purposes, which would need to be secured by conditions.
- 10.60 No information has been received to show that a Refuse Collection Vehicle could access, turn, and leave the site in forward gear. KC Waste Strategy note that although a turning head is shown on the proposed site plan, the blocked paved area to the south of the site would not be suitable for use by an RCV which could render the turning head useless to facilitate the turning of an RCV. If an RCV were required to reverse into or out of the site as a result of this, KC Waste Strategy would object to the proposal. As no further information has

been received from the applicant in this regard, Officers consider KC Waste Strategy's comments as an objection on these grounds.

- 10.61 As such, the proposal is considered to be contrary to Policy LP24(d)(vi) of the adopted Kirklees Local Plan as satisfactory and convenient waste collection facilities have not been adequately demonstrated.

#### Flood risk and drainage

- 10.62 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 (Section 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.
- 10.63 Paragraph 167 of the NPPF, requires that proposals should not increase flood risk elsewhere as a result of development.
- 10.64 The site lies in Flood Zone 1, meaning it is considered to be at the lowest risk of fluvial and river flooding. Given the site is under 1 ha in area, a Site Specific Flood Risk Assessment is not required in this instance.
- 10.65 Officers do note, however, that Government long-term flood risk mapping shows the site to be at medium to high risk from surface water flooding. KC Lead Local Flood Authority (LLFA) have reviewed the proposal and note that this would need to be considered and mitigated for within the proposed surface water drainage strategy to ensure that there would be no increased flooding risk to existing or proposed dwellings as a result of the development.
- 10.66 Given this, the proposal is considered to be in accordance with Policy LP27 of the adopted Kirklees Local Plan. However, it is considered to be contrary to NPPF (Chapter 14) Paragraph 167 as sufficient detail of flood risk has not been demonstrated within the submitted drainage strategy, as detailed further in the following section.

#### Surface and Foul Water Drainage

- 10.67 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 coordinated to meet the demand generated by the new development'.
- 10.68 Chapter 14 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 10.69 Following an initial objection from KC LLFA to the proposal resulting from no surface or foul water drainage information being submitted, the applicant has submitted some additional information pertaining to overland flood routing, a proposed sustainable surface water drainage strategy, and a proposed foul water drainage strategy. Notwithstanding these plans, KC LLFA maintain their objection as no hydraulic calculations have been submitted, as initially requested, to demonstrate that the proposed drainage strategy would be viable.

- 10.70 Yorkshire Water have also reviewed the proposal and note the presence of their sewer assets within the site and an existing sewage pumping station in close proximity to the proposal. They further note that the proposal does not follow the sustainable drainage (SuDS) hierarchy and that justification for discharge of surface water into a public sewer would be required. It is recommended that this can be secured by conditions.
- 10.71 Given the above assessment into matters of surface and foul water drainage, and KC LLFA's ongoing objection to the proposal, Officers consider the proposal to be contrary to Policy LP28 of the adopted Kirklees Local Plan and Chapter 14 of the NPPF.

#### Ecology and Biodiversity

- 10.72 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.
- 10.73 No information relating to protected species has been submitted in support of this application. Officers note the applicant's intention to submit the relevant information once the independent viability assessment process had concluded should a finding of the proposal not being viable be reached. As previously detailed, the independent viability assessor did not reach this conclusion and, therefore, no ecological information has been received.
- 10.74 Given the lack of information submitted with regard to protected species, Officers consider that the proposal has been unable to demonstrate or justify non-compliance with adopted planning policies and national guidance. As such, the proposal is contrary to Policy LP30 of the adopted Kirklees Local Plan and particularly Paragraph 174 of the NPPF.

#### Biodiversity Net Gain

- 10.75 Alongside the above, 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.
- 10.76 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'.
- 10.77 Paragraph 174(d) of the NPPF (Chapter 15) 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.
- 10.78 No information relating to Biodiversity Net Gain has been submitted in support of this application. Officers note the applicant's intention to submit the relevant information once the independent viability assessment process had concluded should a finding of the proposal not being viable be reached. As previously detailed, the independent viability assessor did not reach this conclusion and, therefore, no ecological information has been received.

10.79 Given the lack of information submitted in this regard and likely significant harm to biodiversity resulting from the proposal which has not been adequately mitigated or compensated for, Officers consider that the proposal has been unable to demonstrate or justify non-compliance with adopted planning policies and national guidance. As such, the proposal is contrary to Policy LP30 of the Kirklees Local Plan, Biodiversity Net Gain Technical Note, and Chapter 15 of the NPPF.

### Other matters

#### Trees

10.80 Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

10.81 Paragraph 131 of the NPPF requires that new roads which are created through planning application are tree-lined in the interests of visual amenity and to help mitigate and adapt to climate change.

10.82 No specific information relating to trees has been submitted in support of this application. KC Trees have reviewed the proposal and note that the site is already cleared under the extant planning permission. They have also requested additional information concerning the safeguarding of existing trees to the west of the site during construction and a landscaping plan detailing the sizes and species of proposed trees within the site. Officers consider that these details could be secured by conditions.

10.83 Notwithstanding KC Trees' comments, Officers consider that the proposal does not make effective use of tree-lined streets within the site. Whilst there would be a number of trees at the site entrance and on the southern side of the proposed estate road, the northern side of the road is bereft of tree planting, as is the southern western block-paved area.

10.84 Officers consider that whilst the proposal is considered to be in accordance with Policy LP33 with regard to safeguarding existing trees, it is contrary to Policy LP24(i) of the adopted Kirklees Local Plan and NPPF (Chapter 12), particularly Paragraph 131 in relation to the planting of new trees to maximise visual amenities and ecological benefits, and adapt to climate change.

#### Coal Mining and Contaminated Land

10.85 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.

- 10.86 Paragraph 183 of the NPPF 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.
- 10.87 The site lies in a Coal Advice (Development Low Risk) area and has been identified as being potentially contaminated due to its previous uses. KC Environmental Health have reviewed the proposal and recommend a suite of pre-commencement conditions for Phase I and Phase II geo-environmental investigations, remediation, and validation.
- 10.88 Officers agree with the approach recommended by KC Environmental Health and would secure the necessary conditions to ensure that the site poses no risk to human health and is safe for occupation. As such, the proposal would be considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan.

#### Construction Environmental Management Plan

- 10.89 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.
- 10.90 In noting this, KC Environmental Health have recommended conditions for a Construction Environmental Management Plan (CEMP) and 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 the necessary conditions would be secured. This would accord with Policy LP52 of the Local Plan.

#### Electric Vehicle Charging Points

- 10.91 KC Environmental Health note that for proposals of this scale and residential nature, the provision of Electric Vehicle Charging Points (EVCPs) is expected in accordance with the West Yorkshire Low Emissions Strategy (WYLES) Group's *Air Quality & Emissions Technical Planning Guidance*. They recommend conditions to secure EVCPs for all proposed dwellings and pro rata visitor parking. Officers agree with this approach and would secure the relevant conditions. This would also accord with Policy LP24 of the Local Plan.

#### External lighting

- 10.92 No external lighting details have been submitted in support of this application. As such, Officers consider that suitably worded conditions can be secured to limit light spill from the site to protect the residential amenity of neighbouring occupiers, as well as bats on and around the site.
- 10.93 Given the above consideration of, and recommended conditions for, noise and external lighting matters, Officers consider that the proposal would be in accordance with Policies LP24, LP30 and LP52 of the adopted Kirklees Local Plan.

### Railway Line

- 10.94 The site lies adjacent to an existing railway line at its eastern boundary. Network Rail have reviewed the proposal and raise no objections to the principle of a residential development on this site which has been sensitively designed to minimise impacts on and from the railway line. They recommend a number of conditions and informatives to strengthen the site boundary with amenity buffer planting and to ensure that there are no proposed drainage works within the vicinity of the railway embankment, amongst others to facilitate the continued safe use of the railway line. Officers note the recommend conditions and informatives and would secure them in the interests of protecting and enhancing visual and residential amenities and the continued safe use of the railway

### Crime prevention

- 10.95 The Council's Designing Out Crime Officer has been formally consulted as part of this application. In case, the officer has requested that additional security measures be conditioned, to include additional boundary treatments, details of external lighting within the site and cycle security measures. Furthermore, given the site's location next to a railway bridge, additional information in relation to any landscaping, access by use of the pedestrian bridge and that the boundary fence meets the structure so that there are no voids or gaps.

### Representations

- 10.96 As a result of the above publicity, 1 public representation was received. The comments raised along with officer correspondence are as follows:
- Who will the dwellings be for?  
*Comment: The houses appear to be market dwellings.*
  - Concern regarding the level of publicity for the application.  
*Comment: The application has been advertised via neighbour notification letters, site notices and in the press. This is to accord with the Council's Development Management Charter.*
  - Already existing problems in the area in relation to anti-social behaviour.  
*Comment: This concern has been noted, however, the re-development of this vacant piece of land, should help deter any anti-social behaviour from the site.*

### Planning obligations

- 10.97 The following planning obligations are considered to be necessary to make the development acceptable in planning terms as they are supported by up to date Local Plan Policies. Likewise, the obligations are determined to be directly related to the proposed development and are fairly and reasonably related in scale and kind to the development:

### Affordable housing

- 10.98 KC Strategic Housing advise that 4 affordable units would be required with a composition of 2 social or affordable rented dwellings and 2 intermediate dwelling. This contribution would be in line with the 20% affordable housing requirement set out under Policy LP11 – Affordable Housing and Housing Mix of the Kirklees Local Plan.

### Public Open Space

- 10.99 A financial contribution of £42,564.21 is required to off-site Public Open Space Typologies of the proposal, as defined in the Open Space SPD and required by Policy LP63 – New Open Space of the Kirklees Local Plan.

### Biodiversity

- 10.100 It is likely that an off site contribution would be required in order to provide a 10% net gain for this development. However, in the absence of the required information this cannot be calculated.

### Sustainable Travel

- 10.101 A sustainable travel contribution for the purpose of providing bus and rail metro cards for new occupants of the development would be required at a cost of £9,718.50. The obligation is in line with the requirements of Policy LP20 – Sustainable Travel of the Kirklees Local Plan.

### Site Management

- 10.102 The development is required to ensure management on-going management provision for shared spaces and drainage infrastructure relating to the development, as required by the Open Space SPD and Policies LP63 – New Open Space and LP28 - Drainage of the Kirklees Local Plan.
- 10.103 In light of the above, the applicant has submitted a viability assessment to counter the planning policy obligation relating to affordable housing. This has been reviewed by an Independent Viability Assessor, whereby it was determined that the proposal would be viable with the inclusion of two affordable units. No additional details have been provided in regards to a S106 agreement for the remaining contributions.
- 10.104 Consequently a reason for refusal is substantiated on the premise that the applicant has not agreed to the terms set out in paragraph 10.97, which the Local Planning Authority determine to be necessary to make the development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale and kind to the development.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 Officers acknowledge the extant planning permission (2015/92227) for ostensibly the same proposal as a material consideration carrying its own weight in determining this planning application as a matter of principle. However, it is also noted that this is a full application for a new residential development of 19 dwellings. Between 2015 and now, the adopted planning policy context has also changed considerably with the Council adopting a new Local Plan in 2019, Supplementary Planning Document in 2021 and the amendments made to NPPF in recent years (most recently in 2021).
- 11.3 Therefore, this application has been assessed against national planning policies and guidance and other material considerations. It is considered that the development proposals do not accord with the Development Plan as a whole, particularly in relation to the provision of affordable housing and a range of other matters detailed throughout this report. The adverse impacts of granting permission are considered to outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

### **Background Papers:**

Current application (2022/90672) and history files.

[Planning application details | Kirklees Council](#)

Extant planning permission (2015/92227) and history files.

[Planning application details | Kirklees Council](#)

### **Certificate of Ownership:**

Certificate A signed.