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

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 08-Feb-2024**

**Subject: Planning Application 2023/92327 Erection of 6 dwellings, including associated parking, landscaping, open space and ball stop netting (modified proposal) Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA**

**APPLICANT**

Project Emley Ltd

**DATE VALID**

02-Aug-2023

**TARGET DATE**

27-Sep-2023

**EXTENSION EXPIRY DATE**

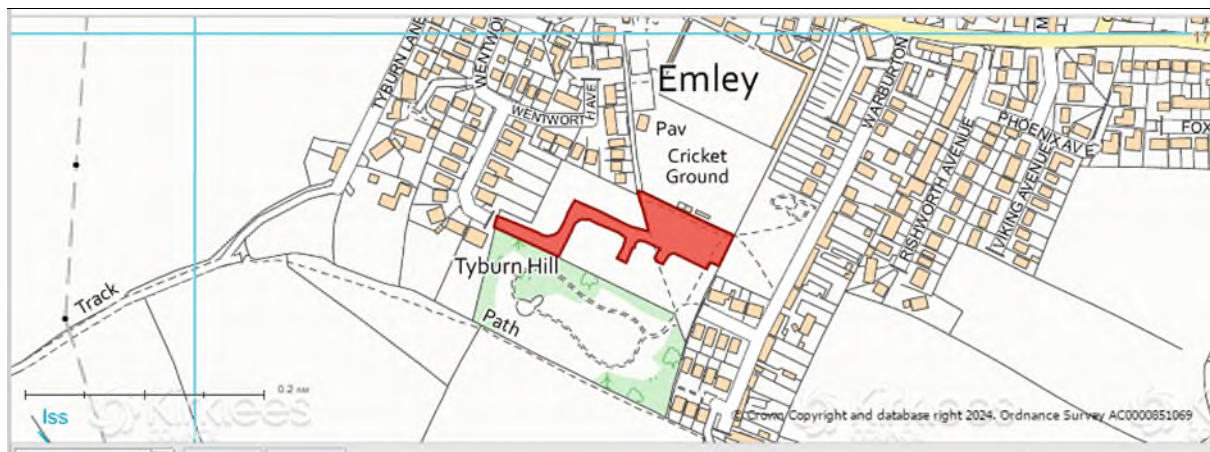
16-Feb-2024

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

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Denby Dale**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:**

**1. Secure a Section 106 Deed of Variation, linking this approval to the previous Section 106 agreement dated 23/06/2021, Deed of Variation dated 03/03/2023 and the S73 application (2023/92255) Deed of Variation (currently being processed).**

**2. Complete the list of conditions including those contained within this report and issue the planning permission. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the 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 Outline planning permission was granted at the application site for residential development (no number of units specified) under application 2020/91215. Access was a consideration as part of that application, with appearance, layout, scale and landscaping being Reserved Matters. As the quantum of development was unknown at outline stage, a Section 106 agreement (dated 23/06/2021) secured appropriate planning obligations and contributions in principle, subject to details being determined upon submission of a Reserved Matters application. The Section 106 agreement secured affordable housing, financial contributions (if triggered) towards education, highways and transport improvements (including a TRO order), open space, biodiversity and the provision of management and maintenance arrangements for land not within private curtilages and for infrastructure (until adoption).
- 1.2 Reserved Matters application 2021/93286 (for 41 dwellings) was subsequently submitted covering all of the outstanding matters. A Section 106 agreement was not attached to the Reserved Matters approval at the time of the decision, as all relevant obligations were governed by the conditions attached to the outline planning application.
- 1.3 Subsequent to that Reserved Matters approval, a Section 106 Deed of Variation (dated 03/03/2023) reduced the financial contribution for the off-site Public Open Space provision, which was calculated at outline stage based on the then-indicative plan. Therefore, the correct contribution has now been secured taking into account the layout approved as part of the detailed Reserved Matters application.

- 1.4 The Variation of Condition (S73 application) relating to conditions 1 (plans), 2 (crime prevention) and 15 (restriction of permitted development) of the previous reserved matters approval 2021/93286, was approved by Strategic Planning Committee on the 25/01/2024. This application is currently awaiting approval of the Deed of Variation in order for the decision to be issued. The application sought approval to update the design of house types approved from the Barratt and David Wilson Homes design to the Newett Homes house types. Given the layout changes, the landscape masterplan has been amended, as has the associated biodiversity net gain assessment and ecological design strategy. A larger contribution of £79,810 has been secured in order to provide a 10% biodiversity net gain.
- 1.5 This proposal seeks planning permission for a modified scheme for 6 dwellings in place of the 7 that have been previously consented.
- 1.6 The application has been brought to Heavy Woollen Planning Committee due to the number of representations received in objection to the application. This is in accordance with the Council's Scheme of Delegation.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site red boundary extends to around 0.44 hectares of land within a wider housing allocation site. The wider site extends to 1.18 hectares and forms housing allocation HS137 within the Kirklees Local Plan, however a small part of the site (approximately 60sqm, at the terminus of Wentworth Drive) is outside the site allocation. At the time the case officer's site visit was undertaken, ground works had begun and an entrance from Wentworth Drive had been created.
- 2.2 To the north of the application site are residential properties on Wentworth Avenue and a cricket ground which is designated as urban green space in the Kirklees Local Plan. To the east is a recreation field and residential properties on Green Acres Close. To the south is Emley's Millennium Green, most of which is in the green belt. To the west are residential properties on Wentworth Drive.
- 2.3 Public footpath DEN/21/20 runs diagonally across the site from North to South, connecting Wentworth Drive to the Millennium Green and Green Acres Close. DEN/96/10 also runs adjacent to the eastern boundary.
- 2.4 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site.
- 2.5 The application site is not within or close to a conservation area. The site includes no listed buildings, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within walking distance of the site. The site also has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding public open space, and from public footpaths.

### **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of 6 dwellings in place of the 7 that have been previously approved. Thus, there would be an overall reduction in 1 dwelling within the housing development as a whole. The reason for this is to allow sufficient space for the claimed Public Right of Way to be provided, if approved, which is currently pending consideration with the Council's Public Footpaths Team (application ref: DEN/dmno app311/10).
- 3.2 The house types would be updated from the approved Barratt and David Wilson Homes design to the Newett Homes house types, as approved under the Variation of Condition application (S73) ref: 2023/92255. The design and appearance of the dwellings proposed would be similar to those approved. The most noticeable change would be that all the dwellings would benefit from gable roofs.
- 3.3 Each dwelling would benefit from off street parking either on a driveway or within an integral garage. Given the layout changes proposed, the landscape masterplan has been amended, as has the associated biodiversity net gain assessment and ecological design strategy.

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

#### **4.1 Application site**

2023/92255 - Variation of conditions 1 (plans), 2 (crime prevention) and 15 (restriction of permitted development) of previous reserved matters approval 2021/93286 pursuant to outline permission 2020/91215 for erection of 41 dwellings – Pending decision being issued (however, approved by Strategic Planning Committee on the 25/01/2024).

2023/92254 Discharge conditions 6 (drainage), 7 (drainage), 14 (CEMP) on previous permission 2021/93286 for reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings – Pending consideration.

2023/92253 Discharge conditions 6 (highways), 7 (PROW), 10 (CEMP), 11 (drainage), 27 (ball stop netting) on previous permission 2020/91215 for outline application for erection of residential development – Pending consideration.

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

2021/93286 – Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwelling – Approved.

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

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

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

### Enforcement history

COMP/23/0452 Alleged breach of condition 8 (2020/91215) – Pending investigation.

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

5.1 Amendments have been sought to the Secure by Design, street scene and site plan as part of this application process.

## **6.0 PLANNING POLICY:**

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

### Kirklees Local Plan (2019):

6.2 The application site is a Housing Allocation (ref: HS137) within the Kirklees Local Plan.

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Master planning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles

- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Guidance / Documents:

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

National Planning Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19/12/2023 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

## 6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, updated 2016)

## 6.7 Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16/01/2019, 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.

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

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

- 7.1 The application has been advertised as development affecting a public rights of way via site notices, through neighbour letters sent to properties bordering the site, and has been advertised in a local newspaper. This is in line with the council’s adopted Statement of Community Involvement.

- 7.2 Final publicity expired: 26/09/2023.

- 7.3 As a result of the above, 49 representations have been received. A summary of the concerns raised are as follows:

### Design concerns:

- The new position of the 6 plots near to the proposed ball stop netting provides more room for the Ball stop netting and the claimed PROW but in turn brings these 6 plots closer to the public highway leaving little or no front garden spaces.
- Newett Homes have applied to alter the size and position of the plots closest to the ball stop netting (Plots 14 to 20) and also to reduce from 7 plots to 6 plots in this area. They are also applying to alter the size and position of the ball stop netting. This is because on the original plans there wasn’t enough room for the ball stop netting support stanchions as well as room for the claimed PROW which runs adjacent to the cricket field stone wall boundary.

- No mention is made or samples shown of the type of stone to be used, this should be reflected by those stone fronted houses on Wentworth Drive. Not the yellow stone used by Newett Homes on their current development in Skelmanthorpe, which is totally out of character with area and is not pleasant to look at.
- In terms of samples there is also need to consider and confirm the make up of the ball strike net, is it net or is it mesh, the options for both will need to be considered from an engineering and maintenance perspective likewise the maintenance plan whether that be reactive, planned or compliance led.
- How will the netting be maintained and what effects will this have on the local bird and wildlife population?
- The ball protection nets required to protect the proposed site and new owners from ball strike from the cricket field will be an eyesore and the height required will be a blot on the landscape.
- I note that there has been a change to the number of houses near the PROW – surely Newetts should be sharing design and artists impression, including the type of stone, doors and windows. Consideration should be given to make the stone on the houses in keeping with surrounding houses in Wentworth area and Green Acres? All this information including all measurements of the houses and gardens should be available to all before the start of building. This information should be shared prior to building commencing. Will the 7th house Newetts have removed – if it is being relocated on the development can this be shared on an updated plan?
- Clearer communication with residents needs sharing from Newetts – eg more drawings outlining layout with proposed materials to be used and measurements – size of garden and clear diagrams showing car parking spaces and access for bin wagon.

#### Highway safety and parking:

- The new plans for 6 not 7 houses is a welcomed reduction, however the new plan is poorly proposed and will lead to over parking in the area where PROW 21/20 crosses the Planned Development which will inevitably lead to pedestrian conflict with traffic where at present there is no conflict.
- There is only one visitor parking space near to these modified 6 plots and there is no pavement. There are 6 apartments and 3 town houses directly opposite the 6 modified plots which have no provision for visitor parking either. One visitor parking space for 15 plots is not sufficient. Plots 30 to 40 also have no facility for visitor parking. See Consultation response; Highways Development Management Ref 17-33-6 2020/91215 - Item 1 – ‘Visitor parking should be provided at a rate of 1 space per four houses. Where on street parking is envisaged, swept path analysis is required to demonstrate if the Kirklees Refuse vehicle can manoeuvre through’. The on-street parking shown at the entrance of the site is far too remote from the plots and is unlikely to be used (visitors will not want to park remotely at the front of the site and walk such a distance, also car crime will be a risk where there is remote parking).
- Movement of these 6 shows no pavement and only 1 visitor parking slot and the town houses opposite have no slots for visitor parking either meaning 1 parking slots for 15 plots is not enough. Plot 30 and 40 have no visitor parking there should be 1 space per four houses.



- How will the refuse wagon collect bins from the modified plots and from the apartment block plus from plots 21, 23 and 24? – There are no bin collections points?
- The route of the existing PROW (DEN/21/20) will cross the new public highway, but the crossing point is an offset raised ramp that does not run in line with the route of the PROW ? Is this safe for children crossing ? At the moment children walking along this PROW encounter no cars or roads but will now have to negotiate a raised offset ramp as well as looking out for vehicles? Also, potential problems for pushchairs, wheelchairs, roller skates etc.
- We oppose the above application number for the erection of a further 6 dwellings, again over stretching the area, increasing traffic volumes whilst polluting the village with more carbon emissions in an already compact area not to mention the already road safety hazards with parked cars on the main access roads, gridlock is now a by for here in Emley, with a major accident waiting to happen. Please consider the limited movement we now experience and turn down the above application in an already small area.
- Pedestrian safety will inevitably be compromised, overcrowding will result with too many parked cars, and an increase number of cars will have to exit the site at a tight, potentially dangerous junction. Roads into the village from the A636 are, in places, only just wide enough for two average cars to pass, the increase in vehicle numbers especially during construction and afterwards will be dangerous and potentially impede emergency vehicles.
- The road network in and around Emley is already very busy due to the narrow roads which were not built to cope with large volumes of traffic and the number of parked cars in and around the village already have adverse effects on traffic passing through the village such as large agricultural vehicles and school buses / coaches.
- The plans are so small we cannot measure the minimum size agreed for the garages at 7m X 3m.

#### Ecological concerns:

- The Ecological Impact Assessment prepared by SLR dated 8 August 2023 submitted in support of modification/variation application and in discharge of condition 25 (ecological design strategy) makes no reference at all to the Emley Millennium Green which is directly adjacent the building site. Nor does the supporting ecological plan show any of the 100s of trees/bushes/planting present on the Millennium Green. It is not even labelled as the Emley Millennium Green on the Plan.
- Emley Millennium Green was a project commenced by villagers of Emley including tree planting by the children of Emley First School in the year 2000. The trees ,bushes and wildlife have flourished over the last 23 years So we as trustees of the green need to know answers from Newetts on what they are planning to do with the now well established hedge grow full of wildlife and hedgehogs etc. We understand that 2 proposed houses are to be built very near the hedge, with no buffer zone (green strip) between the trees and houses that is required for maintenance etc. This hedge was planted by hand to create a good boundary hedge for birds , habitat and now there's a hedgehog sanctuary in the hedge. We as trustees to the green need to know what Newett Homes have in mind to preserve our boundary hedge and the PROW that runs from the centre of the village to the Millennium Green.

- There is no mention of how wildlife will be impacted by the removal of the existing large hedgerow of trees and bushes along the length of the boundary between the Emley Millennium Green and the development site, this is where many of the released hedgehogs are likely to be found. The ecological assessment also makes no mention of moles on the Millennium Green which are close to the development land. Nor is there mention of the large variety of wildlife found on the Millennium Green and surrounding areas including bats, barn owls, blue tits, nuthatch and treecreeper birds, to name but a few species.
- It appears that Plots 34 and 41 are being moved slightly closer the boundary of the Millennium Green. There is already going to be too much removal of trees and bushes on the boundary of the Millennium Green to accommodate these two plots and they should not be brought any closer. How will the Millennium Green trees and tree roots be affected which are in very close proximity to these two plots. The ecological updating survey by SLR dated 8th August 2023 make no reference to this.
- There are diverse species of butterfly and birds within these trees such as nut hatch tree creeper. That will also be impacted.
- No thought of hedgehog friendly fences within the development to allow them to traverse. This will have an impact on the species already in decline.
- Supporting bio-diversity and wild life should be at the forefront of any development and this keeps the area in keeping with the already surrounding greenness of the area, much wild life habitat particularly for our native British birds already in decline should be considered and removing this hedge along the PROW on the green acres site should be reconsidered. Is the hedge owned by Kirklees or the developer.
- Much habitat is already lost in this development so maintain some of it seems a reasonable request.

#### General concerns:

- Concerns regarding condition 14 on the Reserved Matters and condition 10 on the Outline in relation to the CEMP.
- Concerns with the information submitted in support of the Discharge of Condition applications.
- Newett Homes have applied to alter the size and position of the plots closet the ball stop netting (Plots 14 to 20) and also to reduce from 7 plots to 6 plots in this area. They are also applying to alter the size and position of the ball stop netting. This is because on the original plans there wasn't enough room for the ball stop netting support stanchions as well as room for the claimed PROW which runs adjacent the cricket field stone wall boundary. Newett Homes is also applying to make minor adjustments to the position and size of various other plots around the site.
- The Secure by design layout dated 11/07/23 appears to show a diversion of the main diagonal PROW (DEN/21/20) through the site – Why?
- The submitted 'Cricket Pitch Section' plan and the 'Ball Strike Net Plan' both dated 27/06/23 prepared by Newett Homes is not sufficient. There is no information or evidence to show that the stanchions/supports and netting design nor the new position of the net, nor the height of the net is adequate. The cricket field and the development land are exposed to high winds and adverse weather and this needs to be factored into any design. The balls strike netting needs to be robust enough to withstand

the extremes of weather experienced in Emley, and to prevent rattling and whistling noises disturbing residents in the vicinity.

- The Labosport report LSUK.21-0698 dated 19/11/2021 commissioned by Barratts is now outdated. Labosport need to be instructed to prepare a fresh report following a physical site inspection rather than a desk top appraisal. The report needs to factor in the changes to the position and design of the ball stop netting, and also factor in any changes to the way cricket is currently played at the cricket ground rather than relying on old information on cricket standards.
- I am concerned that the ball strike net does not follow or comply with the conditions detailed in the planning application and that due to changes in the development proposal the labosport report is out of date. Moreover the design and layout of the fence is not located in a secure location and will therefore be subject to or at risk of vandalism.
- The proposed netting and its height is not what was approved in the Planning Application 2021/93286. The Labosport LSUK.21-0698 dated 19/11/2021 gave a height of 18 metres but Newett are now using 17 meters. A new Labosport/Newett Boundary Risk A new assessment is required to look at the heights again particularly due to the proposed nets being moved and the claimed PROW now being incorporated into the new design. As already stated this should be a physical survey by Labosport not a desk top survey, they need to visit the site to appreciate the position and the situation.
- Labosport and Planning agreed 18 metre nets and the nets would be erected prior to building commencing. Newetts are not following this advice. If not, why not?
- The impact on wildlife i.e birds as a result of the ball strike net.
- The proposed netting is not only lower than it should be but it does not extend to the perimeters originally proposed. It is shown as not extending the full length of the cricket field wall, ie where the proposed attenuation tanks are to be grassed over and the development children play this area is not covered by the safety of the nets. Are children not as important as the houses. This is of course in addition to the fact that there will need be access for a "cherry picker" machine space for repair / maintenance of the ball stop netting - which would need a clear 3.00m drive way, and this is not reflected in the most recent proposals to Kirklees.
- How is it maintained, why does it not extend the full length of the site?
- Newett Homes plan to create a corridor along their northern boundary to incorporate the ball stop netting and the claimed PROW, but this will create a dark alleyway between the dwelling rear fences and the cricket field boundary wall? This could be viewed by the police as a danger zone for potential house break ins? Furthermore, it might be necessary to insert a condition that none of those houses should be permitted to create a gateway in their back fences which opens out onto this public area of the claimed PROW.
- If the ball stop netting is located in this public area of the claimed PROW, in addition to the repair and maintenance issues, the fact that they are accessible to the members of the public could mean that they could be prone to vandal damage in a secluded unmonitored vicinity. Newett Homes needs to consider all these factors and clearly and provide detailed plans to show how the public area will a) provide a secure space for the ball stop netting, b) provide sufficient space for any maintenance machinery to access the area and c) provide sufficient safe space for the claimed PROW.

- The nets if they are within the claimed PROW could be at risk of vandalism as this area with the proposed plans would be secluded and unmonitored.
- The plan Newett homes need to provide detailed information to show how the public area provides secure place for ball stop nets and machinery can easily have room to access for maintenance.
- It was disappointing to note that Newett Homes initially brought in contractors through the Green Acres Close entrance despite it being clear in the Planning Consent that access through Green Acres could only be used by Emergency Service or the Millennium Green.
- A guarantee that Green Acres Close and entrance to the Millennium Green will be protected from contractors entering or parking. Although this was stated clearly in the original planning application, this has been abused by Newetts. This information should be shared prior to building commencing.
- The position of Plot 30 appears to be moving very close to the existing PROW route and there is likely to be conflict with people walking along the PROW.
- Clarification is also required of the exact position on the plan of the PROW that runs adjacent no. 10 Green Acres Close and the recreation Ground (DEN/96/10) as there seems to be conflict with the site legal boundary line which appears to overlap into the garden of No.10 Green Acres Close – this needs clarification as well as how wide will the PROW be in this area.
- For me personally, some of the largest issues covered are on nature and wildlife that seem to have been completely dismissed or ignored coupled with the outrageously tall ball strike netting which will just destroy to look of the area around the cricket club, proposed houses as well as the villages much loved Millennium Green.
- The development would impact upon the Millennium Green, wildlife, planting and ecology contrary to the consultation responses provided by Landscape, PROW and Ecology at the Reserved Matters stage.
- The school is overcrowded.
- The village infrastructure cannot cope at the moment.
- My opinion of the proposed housing project at the side of the Millennium Green, Emley remains unchanged whether it be Barratts, Newetts or any other developer.
- The Millennium Green is a peaceful and tranquil haven for all villagers and funeral collections from bereaved families have been donated. How must they be feeling now?
- Our village will soon become a small town if we are not careful. If we have to have new housing why not build basic, decent affordable properties in keeping with the surroundings (not apartments) which will help the younger residents onto the property ladder thereby allowing them to stay in the village. We need to think about affordability, the local environment rather than profit.
- The new developer is forging ahead without adequate consultation or respect for the impact of their 'project' (not ours) on the local community. They are trying to squeeze too many homes onto the land available. My main concerns are the lack of visitor parking (which will have an adverse impact on the already overcrowded residential streets near by) and also the lack of an adequate wildlife and access corridor with the Millennium Green. The project must be scaled back so that it is more in harmony with its local village environment.

- Contractors were going to cut off the locks on Green Acres Close in order to access the land even though this was known to them to be against the Planning conditions, continued for 5 days to bring equipment into the field from Warburton, no causeways.
- I note the attenuation area is grassed over and will attract children playing. Could there be some assurance that this area is a safe area to play and walk across. Could it have signage?
- A request to Newetts and planning, please be open and transparent with Emley residents. We deserve this consideration and courtesy.
- Labosport – these experts should be working with Newetts to ensure all Health and Safety measures are met – young families are going to be living and children playing in these gardens and areas. No chances or short cuts can be taken here!
- More communication with residents in Emley, particularly Wentworth Drive and surrounding areas to inform residents of proposed starting dates and planned building programme. This surely is what a considerate contractor should be doing.

Denby Dale Parish Council: Concerns expressed around the netting proposed. At present, no clear specification has been provided which is required. The proposal also is currently based on inadequate old data which would not provide satisfactory protection. Maintenance would also be an issue due to the PROW width between the development and sports area. There were also objections based on the lack of proposed lighting on the pathway, which poses a security risk, as would any addition for gates from gardens onto the pathway by residents in the future.

**Comment:** Details of the ball strike net and its maintenance are secured under conditions on the Reserved Matters application and will be re-attached to this planning decision, if approved. KC Crime Prevention have also reviewed the plans submitted and have noted that there is currently an un-adopted footpath / desire line leading from the Emley Recreation Fields to the rear of Wentworth Avenue and the southern boundary of the Emley Clarence Cricket Club. This footpath is currently unlit but shows signs of use. The addition of housing along this southern boundary to the cricket club should not create a greater use of this footpath. Therefore, installing lighting here would have a minimal effect on security due to the lack of an active frontage and clear sight lines for informal surveillance of the footpath. The Developer has been advised to provide secure rear garden fencing with the planting of hostile vegetation and bushes to provide an extra layer of protection to the properties along the footpath.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highway Development Management: Given that each of the proposed housing plots 14 to 19 (proposed) retain sufficient off-street parking facilities Highways Development Management have no objection to these proposals.

## 8.2 **Non-statutory:**

KC Ecology: The figure secured as part of the S73 application looks at both applications holistically. Therefore, there would be no change to the BNG calculations as part of this application, as the £79,810 previously secured is considered sufficient in order to ensure a 10% net gain is secured for the whole site.

KC Landscape: A management and maintenance plan for the landscaped areas will need to be secured.

KC Environmental Health: No objection to the amended/modified proposal.

KC Waste Strategy: The proposed alterations do not impact on waste storage or bin presentation points at the individual dwellings and therefore Waste Officers do not have any comments.

KC Crime Prevention: The amended plans are considered acceptable as the security measures are proportionate to the scheme proposed.

Sport England: No objection to the application subject to a condition regarding management and maintenance of the ball strike net and its associated apparatus being re-attached to this application.

KC PROW: In support of the scheme, however further information is required to understand the final finishes of the claimed public footpath. Officers would like to see this in a crushed stone.

## 9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity and design
- Residential amenity
- Highway safety
- Other matters
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## 10.0 **APPRAISAL**

### Principle of development

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates those proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this committee report.

- 10.2 The application site is allocated for housing on the Local Plan; as such, the principle of residential development in this location is acceptable. Furthermore, as set out above, the site benefits from a previous approval for 41 dwellings, which is currently being built out, of which 7 dwellings were located within the current application's red line boundary.
- 10.3 As this application is for the erection of 6 dwellings (modified scheme), its approval would result in a minor alteration in the number of houses being delivered at the site by 1. Principle 4 of the Housebuilders Design Guide SPD reflects with policy LP7 of the Kirklees Local Plan in that "*Net development density is expected to achieve at least 35 dwellings per hectare, though higher densities are supported in areas in or adjacent to town centres which are well served by public transport and to secure more sustainable forms of development. Densities lower than 35 are only permitted in line with Local Plan Policy LP7. The location of the site is important in terms of the requirement for car parking provision, on-site open space provision and the type of housing required in the locality*".
- 10.4 In this case, the six units proposed as part of this application, combined with the dwellings previously approved (40 in total) would provide a net density of 34 dwelling per hectare. This is considered acceptable and would accord with the aforementioned policy and guidance.
- 10.5 In relation to housing mix, there would be a decrease in the number of detached dwellings within this area of the site, from 5 to 2 and an increase in semi-detached dwellings from 2 to 4. This is to allow for a better layout to be achieved, when taking into account space around dwellings and the space required for the claimed public footpath. When considering the housing allocation, as a whole, there would still be a good mix of dwelling types with various detached dwellings throughout the site.
- 10.6 Along with the reduction of 1 dwelling, there would also be a slight amendment to the number of bedrooms proposed. This would include 1 x 4 bed and 5 x 3 beds, as opposed 5 x 3 beds and 2 x 4 bed.
- 10.7 In this instance, such changes can be supported due to the recognised housing need within Kirklees Rural East, where there is a greater need for 3-bed dwellings than 4-bed dwellings. Nonetheless, the retention of 7 x 4 bed dwellings (when taking into account the wider site) would still comply with the Council's Affordable Housing Mix SPD in that 21% of the market homes would be 4-bed. This would accord with Policy LP11 of the Kirklees Local Plan.
- 10.8 The affordable units would remain unchanged under this proposal.
- 10.9 In conclusion, the development has been considered acceptable in principle as it would accord with the aforementioned national and local policy and guidance.

#### Visual amenity and design

- 10.10 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive.

- 10.11 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 131 provides an overarching consideration of design stating that “the creation of high quality buildings and places are 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”.
- 10.12 Plans and elevations of the proposed house types have been submitted in support of this application. The dwellings are proposed to include gable roofs, with varied orientations. These are the same house types as approved under the Variation of Condition application 2023/92255 and are broadly similar to those approved as part of the Reserved Matters application, to ensure that a high design quality is maintained.
- 10.13 From an urban design perspective, the proposed layout of these units are considered to be an enhancement to the overall scheme, as they allow for car parking to the side of the dwellings, which is considered to be favourable in view of Principle 12 of the Housebuilders Design Guide SPD and avoiding parking to dominate the street frontage.
- 10.14 Each dwelling would have a proportionately sized area of rear amenity space and it is considered that the proposed units would not appear out of place when read in the context of the approved site layout. The proposed boundary treatments would comprise timber fencing and hedging to the rear, with 0.6m high knee rails proposed to the side boundaries of plots 14 and 19. These would be comparable to those of the nearby houses, with the 0.2m high trellis added as an extra security measure due to these plots location adjacent to the claimed public footpath. Such boundary treatments have been considered acceptable by officers, as they would be in keeping with those found within the vicinity of the site. Nonetheless, in the interests of visual amenity, a condition shall be required to state that all boundary treatments should be installed in accordance with the submitted plans before the dwellings are first brought into use.
- 10.15 Materials were secured via condition 2 on the Reserved Matters permission, to include reconstituted stone with grey concrete roof tiles. The materials would remain the same as part of this application, however, given that this application is seeking full planning permission for the modification of 6 units, a condition to secure these materials would need to be attached to the decision notice.
- 10.16 In summary, the proposed development is considered acceptable and in accordance with the policies contained within the Local Plan and guidance contained within the Housebuilders Design Guide SPD.

#### Residential Amenity

- 10.17 Paragraphs B and C of the Kirklees Local Plan Policy LP24 states that development should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers”.



- 10.18 Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.
- 10.19 In this instance, the modified units would be adjacent to Emley Cricket Ground and would not be within a close vicinity to any existing third party properties. Therefore, there would be no additional overbearing, overshadowing or overlooking as part of the changes proposed.
- 10.20 With regards to the relationship with other dwellings within the site, these would remain broadly similar, as the houses would be retained at two storey, albeit, the dwellings would be situated closer to the highway. Nonetheless, adequate internal separation distances would also be maintained to ensure that future amenity is protected.
- 10.21 The size of the new houses would be compliant with the nationally described space standards and therefore would ensure that an acceptable level of amenity is achieved to in accordance with Policy LP24 (c) of the Kirklees Local plan and the aims of Chapter 12 of the National Planning Policy Framework.

#### Highway safety and parking

- 10.22 Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.23 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.24 KC Highway Development Management have been formally consulted as part of this application process. The officer has noted that the proposal is to redesign the north-eastern part of the site between the public right of way and the surface water attenuation area to ensure that the land can be potentially developed whilst integrating a PROW.
- 10.25 This application effects plots 14 to 20 of the previously approved scheme (7 plots). These are replaced with plots 14 to 19 (6 plots) including two pairs of semi-detached houses and two detached houses. The proposed adoptable access road is extended and the parking layout to plot numbers 21 to 29 opposite is slightly amended.

- 10.26 However, given that each of the proposed housing plots 14-19 retain sufficient off-street parking, Highways Development Management have no objection to the proposal, as it would comply with the aforementioned planning policy.
- 10.27 KC Waste Strategy have been formally consulted as part of this application and have confirmed that the alterations proposed would not impact on waste storage or bin presentation points at the individual dwellings. This is to accord with Policy LP43 of the Kirklees Local Plan.

#### Landscape (including biodiversity)

- 10.28 Landscaping changes between the approved and proposed scheme are minimal. Hedgerows have been proposed between the timber fencing to the rear of the plots and the informal path, in order to create some defensible planting. The small areas of public open space would remain along the PROW and above the proposed attenuation tank, linking the site to the recreation ground.
- 10.29 The detailed planting plan has been reviewed and considered acceptable by officers, however, no information has been submitted for its management and maintenance and therefore this could be secured via condition in the case of an approval.
- 10.30 Overall the modified scheme would not prejudice the proposals' landscaping arrangements which would remain of a high quality and would be visually acceptable, in accordance with Policies LP24 and LP32 of the Kirklees Local Plan. The previous off-site contribution towards public open space would still be required, as part of the wider site.

#### Crime prevention

- 10.31 A revised Secure by Design layout plan has been received as part of this application process, taking into account the comments raised by the West Yorkshire Designing Out Crime Officer (DOCO). The plan shows proportionate security measures for the development proposed, taking into account the minor layout changes proposed as part of this application. This is considered acceptable and would accord with Policy LP24(e) of the Kirklees Local Plan.

#### Contributions

- 10.32 If approved, this application will result in a new stand-alone planning permission being issued. As contributions have already been dealt with under the application for the wider housing site, legal advice was sought as to whether a legal mechanism is required to tie this application back to the existing S106 agreement.
- 10.33 A Deed of Variation would be required to tie this application to the original Section 106 (dated 23/06/2021 and secured at outline stage in connection with application 2020/91215), the subsequent Deed of Variation dated 03/03/2023. For Members' information, the previously agreed obligations and contributions were:

1) Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four

social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.

2) Open space – A sum of £44,006 towards off site provision.

3) Education – £78, 891 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4) Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)

5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

6) Biodiversity - £79,810 contribution towards off-site provision (as amended under planning application 2023/92255)

7) Traffic Regulation Order – £7,000 contribution.

### Representations

10.34 The following are responses to the matters raised within public representations received, which have not been previously addressed within the above assessment.

#### Design concerns:

- The new position of the 6 plots near to the proposed ball stop netting provides more room for the Ball stop netting and the claimed PROW but in turn brings these 6 plots closer to the public highway leaving little or no front garden spaces.

**Comment:** Officers consider this revised scheme to be a betterment, as the Reserved Matters layout, included car parking to the front of the dwellings which is contrary to the Housebuilders SPD Principle 12. In this case, small front gardens are proposed, with car parking to the side.

- Newett Homes have applied to alter the size and position of the plots closest to the ball stop netting (Plots 14 to 20) and also to reduce from 7 plots to 6 plots in this area. They are also applying to alter the size and position of the ball stop netting. This is because on the original plans there wasn't enough room for the ball stop netting support stanchions as well as room for the claimed PROW which runs adjacent to the cricket field stone wall boundary.

**Comment:** This comment has been noted.

- No mention is made or samples shown of the type of stone to be used, this should be reflected by those stone fronted houses on Wentworth Drive. Not the yellow stone used by Newett Homes on their current development in Skelmanthorpe, which is totally out of character with area and is not pleasant to look at.

**Comment:** The materials are to remain as approved, this will include reconstituted stone with grey concrete roof tiles. These would be secured via a condition on the decision notice, in the case of an approval.

- In terms of samples there is also need to consider and confirm the make up of the ball strike net, is it net or is it mesh, the options for both will need to be considered from an engineering and maintenance perspective likewise the maintenance plan whether that be reactive, planned or compliance led.
- How will the netting be maintained and what effects will this have on the local bird and wildlife population?  
**Comment:** Conditions 4 and 5 on the Reserved Matters application relating to the detailed design and management and maintenance of the ball-strike net would be re-attached to this new planning application.
- The ball protection nets required to protect the proposed site and new owners from ball strike from the cricket field will be an eyesore and the height required will be a blot on the landscape.  
**Comment:** This has been noted, however, the ball-strike net was approved as part of the Reserved Matters application.
- I note that there has been a change to the number of houses near the PROW – surely Newetts should be sharing design and artists impression, including the type of stone, doors and windows. Consideration should be given to make the stone on the houses in keeping with surrounding houses in Wentworth area and Green Acres? All this information including all measurements of the houses and gardens should be available to all before the start of building. This information should be shared prior to building commencing. Will the 7th house Newetts have removed – if it is being relocated on the development can this be shared on an updated plan?
- Clearer communication with residents needs sharing from Newetts – eg more drawings outlining layout with proposed materials to be used and measurements – size of garden and clear diagrams showing car parking spaces and access for bin wagon.  
**Comment:** The plans proposed are drawn to a scale and therefore can be measured electronically or on paper. The materials would not change as part of this application. Lastly, the 7<sup>th</sup> house would be removed and would not be re-allocated elsewhere within the site.

#### Highway safety and parking:

- The new plans for 6 not 7 houses is a welcomed reduction, however the new plan is poorly proposed and will lead to over parking in the area where PROW 21/20 crosses the Planned Development which will inevitably lead to pedestrian conflict with traffic where at present there is no conflict.  
**Comment:** Adequate on-site parking is proposed for each dwelling.
- There is only one visitor parking space near to these modified 6 plots and there is no pavement. There are 6 apartments and 3 town houses directly opposite the 6 modified plots which have no provision for visitor parking either. One visitor parking space for 15 plots is not sufficient. Plots 30 to 40 also have no facility for visitor parking. See Consultation response; Highways Development Management Ref 17-33-6 2020/91215 - Item 1 – ‘Visitor parking should be provided at a rate of 1 space per four houses. Where on street parking is envisaged, swept path analysis is required to demonstrate if the Kirklees Refuse vehicle can manoeuvre through’. The on-street parking shown at the entrance of the

site is far too remote from the plots and is unlikely to be used (visitors will not want to park remotely at the front of the site and walk such a distance, also car crime will be a risk where there is remote parking).

- Movement of these 6 shows no pavement and only 1 visitor parking slot and the town houses opposite have no slots for visitor parking either meaning 1 parking slots for 15 plots is not enough. Plot 30 and 40 have no visitor parking there should be 1 space per four houses.

**Comment:** The amount or location of visitor parking spaces would not be changed as part of this proposal. The road layout is to remain unchanged and is currently being reviewed by the Council's Section 38 Team for adoption.

- How will the refuse wagon collect bins from the modified plots and from the apartment block plus from plots 21, 23 and 24? – There are no bin collections points?

**Comment:** These dwellings are outside of the red line boundary for this application, however, waste collection would remain the same as approved.

- The route of the existing PROW (DEN/21/20) will cross the new public highway, but the crossing point is an offset raised ramp that does not run in line with the route of the PROW ? Is this safe for children crossing ? At the moment children walking along this PROW encounter no cars or roads but will now have to negotiate a raised offset ramp as well as looking out for vehicles? Also, potential problems for pushchairs, wheelchairs, roller skates etc.

**Comment:** This has been noted and Highway Officers have confirmed that there is sufficient space at the top of the ramp for pushchairs, wheelchairs and people on roller skates to cross the road and join back onto the PROW.

- We oppose the above application number for the erection of a further 6 dwellings, again over stretching the area, increasing traffic volumes whilst polluting the village with more carbon emissions in an already compact area not to mention the already road safety hazards with parked cars on the main access roads, gridlock is now a by for here in Emley, with a major accident waiting to happen. Please consider the limited movement we now experience and turn down the above application in an already small area.

**Comment:** This concern has been noted, however, this application is to reduce the original number of units from 41 to 40. As such, there would be no further impact to highway safety, over and above what the site already has planning permission for.

- Pedestrian safety will inevitably be compromised, overcrowding will result with too many parked cars, and an increase number of cars will have to exit the site at a tight, potentially dangerous junction. Roads into the village from the A636 are, in places, only just wide enough for two average cars to pass, the increase in vehicle numbers especially during construction and afterwards will be dangerous and potentially impede emergency vehicles.

- The road network in and around Emley is already very busy due to the narrow roads which were not built to cope with large volumes of traffic and the number of parked cars in and around the village already have adverse effects on traffic passing through the village such as large agricultural vehicles and school buses / coaches.

**Comment:** This application is not to re-assess the principle of development, which has already been established. In fact the proposal is looking to reduce the number of dwellings by 1.

- The plans are so small we cannot measure the minimum size agreed for the garages at 7m X 3m.

**Comment:** The plans are drawn to a scale and therefore can be measured electronically or by hand.

#### Ecological concerns:

- The Ecological Impact Assessment prepared by SLR dated 8 August 2023 submitted in support of modification/variation application and in discharge of condition 25 (ecological design strategy) makes no reference at all to the Emley Millennium Green which is directly adjacent the building site. Nor does the supporting ecological plan show any of the 100s of trees/bushes/planting present on the Millennium Green. It is not even labelled as the Emley Millennium Green on the Plan.
- Emley Millennium Green was a project commenced by villagers of Emley including tree planting by the children of Emley First School in the year 2000. The trees, bushes and wildlife have flourished over the last 23 years. So we as trustees of the green need to know answers from Newetts on what they are planning to do with the now well established hedge grow full of wildlife and hedgehogs etc. We understand that 2 proposed houses are to be built very near the hedge, with no buffer zone (green strip) between the trees and houses that is required for maintenance etc. This hedge was planted by hand to create a good boundary hedge for birds, habitat and now there's a hedgehog sanctuary in the hedge. We as trustees to the green need to know what Newett Homes have in mind to preserve our boundary hedge and the PROW that runs from the centre of the village to the Millennium Green.
- There is no mention of how wildlife will be impacted by the removal of the existing large hedgerow of trees and bushes along the length of the boundary between the Emley Millennium Green and the development site, this is where many of the released hedgehogs are likely to be found. The ecological assessment also makes no mention of moles on the Millennium Green which are close to the development land. Nor is there mention of the large variety of wildlife found on the Millennium Green and surrounding areas including bats, barn owls, blue tits, nuthatch and tree creeper birds, to name but a few species.
- It appears that Plots 34 and 41 are being moved slightly closer the boundary of the Millennium Green. There is already going to be too much removal of trees and bushes on the boundary of the Millennium Green to accommodate these two plots and they should not be brought any closer. How will the Millennium Green trees and tree roots be affected which are in very close proximity to these two plots. The ecological updating survey by SLR dated 8th August 2023 make no reference to this.

- There are diverse species of butterfly and birds within these trees such as nut hatch tree creeper. That will also be impacted.  
**Comment:** This has been noted, however, this application focuses on the dwellings proposed to the south of the cricket club and not adjacent to Emley Millennium Green. These comments have been assessed under the S73 (variation application) 2023/92255.
- No thought of hedgehog friendly fences within the development to allow them to traverse. This will have an impact on the species already in decline.  
**Comment:** The Ecological Design Strategy submitted for the wider site sets out that hedgehog highways will be created in all garden fences. The access gaps shall be appropriately labelled with signs on both sides, to deter householders from blocking the purpose made gaps. A condition to ensure that this new permission will be undertaken in accordance with the Ecological Design Strategy shall be attached to the decision notice in the case of an approval.
- Supporting bio-diversity and wild life should be at the forefront of any development and this keeps the area in keeping with the already surrounding greenness of the area, much wild life habitat particularly for our native British birds already in decline should be considered and removing this hedge along the PROW on the green acres site should be reconsidered. Is the hedge owned by Kirklees or the developer.  
**Comment:** This has been noted, however, the hedge appears to be outside of the red line boundary for this application.
- Much habitat is already lost in this development so maintain some of it seems a reasonable request.  
**Comment:** This has been noted and adequate biodiversity enhancement measures have been proposed as part of this application.

#### General concerns:

- Concerns regarding condition 14 on the Reserved Matters and condition 10 on the Outline in relation to the CEMP.
- Concerns with the information submitted in support of the Discharge of Condition applications.  
**Comment:** This has been noted.
- Newett Homes have applied to alter the size and position of the plots closet the ball stop netting (Plots 14 to 20) and also to reduce from 7 plots to 6 plots in this area. They are also applying to alter the size and position of the ball stop netting. This is because on the original plans there wasn't enough room for the ball stop netting support stanchions as well as room for the claimed PROW which runs adjacent the cricket field stone wall boundary. Newett Homes is also applying to make minor adjustments to the position and size of various other plots around the site.  
**Comment:** The ball strike net would remain to the rear of plots 14-20 as previously approved. This application is not looking to alter its size or the location of the proposed stanchions.

- The Secure by design layout dated 11/07/23 appears to show a diversion of the main diagonal PROW (DEN/21/20) through the site – Why?

**Comment:** The alignment of the PROW is outside of the red line boundary for this application. However, officers can confirm that it will remain as approved.
- The submitted ‘Cricket Pitch Section’ plan and the ‘Ball Strike Net Plan’ both dated 27/06/23 prepared by Newett Homes is not sufficient. There is no information or evidence to show that the stanchions/supports and netting design nor the new position of the net, nor the height of the net is adequate. The cricket field and the development land are exposed to high winds and adverse weather and this needs to be factored into any design. The balls strike netting needs to be robust enough to withstand the extremes of weather experienced in Emley, and to prevent rattling and whistling noises disturbing residents in the vicinity.

**Comment:** In the absence of acceptable information pursuant to conditions 4 and 5 on the Reserved Matters application, these conditions will be re-attached as part of this application.
- The Labosport report LSUK.21-0698 dated 19/11/2021 commissioned by Barratts is now outdated. Labosport need to be instructed to prepare a fresh report following a physical site inspection rather than a desk top appraisal. The report needs to factor in the changes to the position and design of the ball stop netting, and also factor in any changes to the way cricket is currently played at the cricket ground rather than relying on old information on cricket standards.
- I am concerned that the ball strike net does not follow or comply with the conditions detailed in the planning application and that due to changes in the development proposal the labosport report is out of date. Moreover the design and layout of the fence is not located in a secure location and will therefore be subject to or at risk of vandalism.
- The proposed netting and its height is not what was approved in the Planning Application 2021/93286. The Labosport LSUK.21-0698 dated 19/11/2021 gave a height of 18 metres but Newett are now using 17 meters. A new Labosport/Newett Boundary Risk A new assessment is required to look at the heights again particularly due to the proposed nets being moved and the claimed PROW now being incorporated into the new design. As already stated this should be a physical survey by Labosport not a desk top survey, they need to visit the site to appreciate the position and the situation.
- Labosport and Planning agreed 18 metre nets and the nets would be erected prior to building commencing. Newetts are not following this advice. If not, why not?

**Comment:** Given that this application is a modification to the plots approved as part of the Reserved Matters, relating to house type/minor layout changes, it is not considered necessary or reasonable to require the applicant to submit a new Labosport report. The proposed height of the ball strike net is to remain at 17m as approved at Reserved Matters stage and set out within the Labosport assessment. The net would also remain in the same location as approved.



- The impact on wildlife i.e birds as a result of the ball strike net.  
**Comment:** This concern has been noted, however, the principle of a ball strike net in this location and of this size has already been approved.
- The proposed netting is not only lower than it should be but it does not extend to the perimeters originally proposed. It is shown as not extending the full length of the cricket field wall, ie where the proposed attenuation tanks are to be grassed over and the development children play this area is not covered by the safety of the nets. Are children not as important as the houses. This is of course in addition to the fact that there will need be access for a “cherry picker” machine space for repair / maintenance of the ball stop netting - which would need a clear 3.00m drive way, and this is not reflected in the most recent proposals to Kirklees.
- How is it maintained, why does it not extend the full length of the site?  
**Comment:** The length of the net would not change as part of this application. It is still be proposed to the rear of plots 14-19. The net is to protect the houses adjacent to the cricket pitch from damage and to not prejudice the playing of this sport given the location of the houses proposed. The risk of ball strike to users of the green space above the attenuation tank would be similar to that which currently exists (where the site is currently open with no ball strike net in situ to protect the users of the public footpaths). Sport England have not requested that the net be extended to cover other parts of the application site.
- Newett Homes plan to create a corridor along their northern boundary to incorporate the ball stop netting and the claimed PROW, but this will create a dark alleyway between the dwelling rear fences and the cricket field boundary wall? This could be viewed by the police as a danger zone for potential house break ins? Furthermore, it might be necessary to insert a condition that none of those houses should be permitted to create a gateway in their back fences which opens out onto this public area of the claimed PROW.  
**Comment:** KC Crime Prevention have reviewed the information/documentation provided as part of this application and consider the security measures proposed to be reasonable to the development. The planting of hostile vegetation and bushes would be beneficial to add an extra layer of protection to the rear fencing of the proposed properties along the footpath.
- If the ball stop netting is located in this public area of the claimed PROW, in addition to the repair and maintenance issues, the fact that they are accessible to the members of the public could mean that they could be prone to vandal damage in a secluded unmonitored vicinity. Newett Homes needs to consider all these factors and clearly and provide detailed plans to show how the public area will a) provide a secure space for the ball stop netting, b) provide sufficient space for any maintenance machinery to access the area and c) provide sufficient safe space for the claimed PROW.
- The nets if they are within the claimed PROW could be at risk of vandalism as this area with the proposed plans would be secluded and unmonitored.
- The plan Newett homes need to provide detailed information to show how the public area provides secure place for ball stop nets and machinery can easily have room to access for maintenance.

- **Comment:** A management and maintenance programme for the ball strike net is to be proposed. This will need to take into account its location adjacent to the claimed PROW. This will be secured via a condition to the decision notice in the case of an approval.
- It was disappointing to note that Newett Homes initially brought in contractors through the Green Acres Close entrance despite it being clear in the Planning Consent that access through Green Acres could only be used by Emergency Service or the Millennium Green.
- A guarantee that Green Acres Close and entrance to the Millennium Green will be protected from contractors entering or parking. Although this was stated clearly in the original planning application, this has been abused by Newetts. This information should be shared prior to building commencing.  
**Comment:** Condition 8 on the outline permission states that “No vehicular access shall be provided from Green Acres Close, other than that already provided for the Millennium Green and that required for emergency services access”. This condition therefore remains in force. Should access be taken from Green Acres Close by construction traffic, then residents are advised to contact Planning Enforcement.
- The position of Plot 30 appears to be moving very close to the existing PROW route and there is likely to be conflict with people walking along the PROW.
- Clarification is also required of the exact position on the plan of the PROW that runs adjacent no. 10 Green Acres Close and the recreation Ground (DEN/96/10) as there seems to be conflict with the site legal boundary line which appears to overlap into the garden of No.10 Green Acres Close – this needs clarification as well as how wide will the PROW be in this area.  
**Comment:** These concerns are outside of the red line boundary for this application and have been assessed under 2023/92255.
- For me personally, some of the largest issues covered are on nature and wildlife that seem to have been completely dismissed or ignored coupled with the outrageously tall ball strike netting which will just destroy to look of the area around the cricket club, proposed houses as well as the villages much loved Millennium Green.
- The development would impact upon the Millennium Green, wildlife, planting and ecology contrary to the consultation responses provided by Landscape, PROW and Ecology at the Reserved Matters stage.
- The school is overcrowded.
- The village infrastructure cannot cope at the moment.
- My opinion of the proposed housing project at the side of the Millennium Green, Emley remains unchanged whether it be Barratts, Newetts or any other developer.
- The Millennium Green is a peaceful and tranquil haven for all villagers and funeral collections from bereaved families have been donated. How must they be feeling now?

- Our village will soon become a small town if we are not careful. If we have to have new housing why not build basic, decent affordable properties in keeping with the surroundings (not apartments) which will help the younger residents onto the property ladder thereby allowing them to stay in the village. We need to think about affordability, the local environment rather than profit.
- The new developer is forging ahead without adequate consultation or respect for the impact of their 'project' (not ours) on the local community. They are trying to squeeze too many homes onto the land available. My main concerns are the lack of visitor parking (which will have an adverse impact on the already overcrowded residential streets near by) and also the lack of an adequate wildlife and access corridor with the Millennium Green. The project must be scaled back so that it is more in harmony with its local village environment.  
**Comment:** These concerns have been noted, however, the application is not to re-assess the principle of development.
- Contractors were going to cut off the locks on Green Acres Close in order to access the land even though this was known to them to be against the Planning conditions, continued for 5 days to bring equipment into the field from Warburton, no causeways.  
**Comment:** Damage to public/private property is outside of the remit of planning and the police should be contacted. Should access be taken from Green Acres Close, then residents are advised to contact Planning Enforcement.
- I note the attenuation area is grassed over and will attract children playing. Could there be some assurance that this area is a safe area to play and walk across. Could it have signage?  
**Comment:** The onus would be on the developer to provide adequate signage should there be any health and safety risks associated with the green space above the attenuation tank.
- A request to Newetts and planning, please be open and transparent with Emley residents. We deserve this consideration and courtesy.  
**Comment:** All documents and files submitted for this application are showing on the Council's website for transparency.
- Labosport – these experts should be working with Newetts to ensure all Health and Safety measures are met – young families are going to be living and children playing in these gardens and areas. No chances or short cuts can be taken here!  
**Comment:** This has been noted.
- More communication with residents in Emley, particularly Wentworth Drive and surrounding areas to inform residents of proposed starting dates and planned building programme. This surely is what a considerate contractor should be doing.  
**Comment:** This has been noted.

## **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 As this is a modified scheme, for a small part of a wider housing allocation, the principle of development has been established at outline stage. The application seeks to vary the layout of the land directly to the south of Emley Cricket Club, in order to allow sufficient space for the claimed public footpath, which is currently being considered by the Council's Public Right of Way Team. The minor changes to the layout of the dwellings within their plot, would allow for side parking to be achieved and no further impact to be proposed upon third party residential amenity. The changes proposed to parking are also supported by Highway Officers.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Deed of Variation to the original Section 106 agreement.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Development to commence within three years.
2. Development to be undertaken in accordance with the approved plans/information.
3. The external walls and roofs of the dwellings to be constructed in accordance with the materials approved under 2021/93286.
4. All areas shown to be used for parking and turning shall be laid in a permeable surface.
5. The installation of an electric vehicle recharging point for each dwelling.
6. The development shall be carried out in accordance with the Construction Management Plan (approved under 2023/92254).
7. Development to be undertaken in accordance with crime prevention/boundary treatment plan (ref Z115.114 Rev B).
8. Details of external lighting prior to its installation.
9. Detailed design of ball-stop net and associated columns.
10. A management maintenance plan to include the routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus.
11. Foul, surface water and land drainage to be undertaken in accordance with details approved under 2023/92254.
12. Temporary surface water drainage to be undertaken in accordance with details approved under 2023/92254.
13. Development in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference, Wharncliffe Trees and Woodland Consultancy approved under 2021/93286).
14. Management and maintenance programme for landscape scheme.
15. Details of all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways.

16. Details of any new surface water attenuation pipes/manhole located within the proposed highway footprint.
17. A plan detailing the position and location of bat and bird boxes and hedgehog friendly fence panels.
18. Construction Environmental Management Plan to be undertaken in accordance with details approved under 2023/92254.
19. Removal of PD rights for Class Classes A to E inclusive of Part 1 of Schedule 2 for plots 14 – 19.
20. The claimed public footpath shall be finished in a crushed stone.
21. Development to be undertaken in accordance with the approved Ecological Design Strategy.
22. Where site remediation is recommended in the Geoenvironmental Appraisal (Lithos, 3253/2A, March 2020) and/or the Gas Risk Assessment (Lithos, 016/3253/LIZ/at, 31/07/2019) development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.
23. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 22.
24. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority.
25. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.

**Background Papers:**

Application and history files.

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Certificate B signed and notice served.