
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2021/91507 Reserved matters pursuant to outline permission 2014/91831 for erection of 55 dwellings, formation of access public space and associated infrastructure Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH

APPLICANT

Richard Floyd, Cockley
Developments Ltd

DATE VALID

12-Apr-2021

TARGET DATE

12-Jul-2021

EXTENSION EXPIRY DATE

31-Jan-2024

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dalton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFER the application to the Health and Safety Executive under Section 9 of Planning Practice Guidance (Hazardous Substances). Should the Health and Safety Executive not intervene, then:

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

- 1) Sustainable Transport: Provision of sustainable transport contributions to the total sum of £28,583.50, and Travel Plan monitoring contributions of £10,000.
- 2) Drainage infrastructure: Submission of a plan for the future maintenance and management of all drainage infrastructure.

All contributions are to be index-linked.

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

1.0 INTRODUCTION

- 1.1 This is a Reserved Matters application for a residential development of 54 dwellings. This application is brought to committee (i) at the request of Ward Councillor Musarrat Khan and (ii) because of significant local representation.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located to the south of Cockley Hill Lane and to the east of Shop Lane. The site is situated behind properties fronting onto Town Road that runs to the northwest of the site. The site is 2.5 miles east of Huddersfield town centre, 1.75 miles from Mirfield town centre, and approximately 2.5 miles south of junction 25 of the M62.
- 2.2 The site is located on the edge of the village. The areas to the north and west are predominantly residential areas. To the east there is open pasture. The access to the site is from the north-eastern corner of the site, from Cockley Hill Lane. There are existing private accesses and pedestrian access from Town

Road to the northwest. There is a new residential development adjacent to the southwestern boundary consisting of large, detached houses. The overall area of the site is approximately 1.99ha.

- 2.3 The site itself is primarily open pasture with mature trees to the southwestern boundary and the occasional area covered in brambles. The eastern boundary opens onto similar grassed pasture or grazing land with an indistinct site boundary. It follows a similar ground profile as the site. The area to the west falls away from the site whilst the area to the north tends to fall towards the site.
- 2.4 The site generally falls from the east to the west at an even gradient of approximately 1 in 14 for half of the site but flattens slightly to an average gradient of approximately 1 in 28 for the western half of the site. There is a high point of approximately 146m AOD in the northeastern corner of the site and a low point of approximately 126m AOD in the southwest boundary of the site. There is only a slight fall from south to north across the site.
- 2.5 The site is allocated as HS26 in the Local Plan. The site is bounded by a further housing allocation (HS28) to the south with Green Belt land further south of HS28.

3.0 PROPOSAL

- 3.1 This application seeks reserved matters approval (layout, scale, appearance and landscaping of the site) for residential development pursuant to the outline consent for erection of up to 60 dwellings, the formation of access and associated infrastructure approved under reference 2014/91831 dated 12/04/2018. Following revisions to the submitted scheme which followed detailed assessment of the feasibility of the internal road layout, the current proposals involve the provision of 54 dwellings.
- 3.2 The dwelling mix is broken down as follows:

House type		Number
C2	2-bedroom, affordable	4
C2	2-bedroom, open market	2
C2+	2-bedroom, open market	2
F	3-bedroom, open market	13
J	3-bedroom, open market	2
Q	3-bedroom, open market	5
R	3-bedroom, affordable	7
R	3-bedroom, open market	2
S	3-bedroom, open market	7
E	4-bedroom, open market	6
G	4-bedroom, open market	1
P	4-bedroom, open market	3

- 3.3 The dwelling would comprise 15 pairs of semi-detached houses, a row of three townhouses, and 21 detached houses. The C2+ type is designed to Lifetime Homes standards (see paragraph 10.14 below)
- 3.4 A new access would be formed approximately 10m north of Cockley Meadows. The main estate road would branch off this, forming a loop extending north and then south, continuing to serve what is intended to be "Phase 2" of the development, for which a separate, full planning application (2021/92527 for erection of 29 dwellings) has been made.

- 3.5 The development would involve significant changes in ground levels. The most notable change would be in the middle part of the site, where plots 46-55 would be raised by up to 5m above existing ground level, and a retaining wall of 4m in height built to separate them from plots 37-45 to the west, below the retaining wall. There would smaller net increases in ground level towards the southwestern and northwestern site boundaries.
- 3.6 Most of the new dwellings would be reliant on external parking spaces only. The exception is house type 'P' which would have a single detached garage with two tandem parking spaces in front. The entire layout (Phase 1 and 2) would incorporate 20 visitor parking spaces.
- 3.7 11 units – all type C2 and R – are to be affordable.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site

2014/91831 – Outline application (principle of development plus means of access) for erection of 60 dwellings, formation of access public space and associated infrastructure. Decision issued 12/04/2018: conditional outline permission granted subject to Section 106 agreement covering affordable housing, school places, off-site POS, provision and maintenance of on-site POS. Besides the standard outline conditions, the following matters were the subject of conditions:

- Contaminated land and remediation
- Visibility splays
- Construction access
- Standard drainage conditions
- Biodiversity enhancement scheme
- Scheme of electric charging points
- Qualitative audits for pedestrian routes

4.2 Surrounding Area

Land to the south of the application site: 2021/92527 – Erection of 29 dwellings (full application). Currently undetermined. This is intended to form Phase 2 of a development totalling 83 dwellings of which the application now being considered (2021/91507) comprises Phase 1. Both application sites are under the ownership of the applicant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Officers expressed concerns regarding the proposal as originally submitted.
- 5.2 Negotiations took place to address various issues, which are summarised below:
- Revised drainage information submitted 27/06/2022.
 - Revised plans 22/09/2022 – Re-publicised for public comment by neighbour letter, site notice and press advertisement.

- Revised plans 18/09/2023, revised layout plan 02/11/2023, proposed land drainage plan 08/11/2023 – This set of amendments was re-publicised for public comment.
- Revised plans 18/12/2023, layout and sections 03/01/2024. These were not readvertised since they were not considered to raise significant new issues that would require formal publicity.
- Arboricultural impact assessment and method statement submitted 08/04/2024.
- Additional sections submitted 25/06/2024, amended site layout plan making minor changes to visitor parking 01/07/2024. These were also not considered to require new publicity since they were for purposes of clarification and did not make amendments to layout or house design.
- July 2024: Plan showing amended house types. This increased the number of two-bedroom houses thereby addressing one of the concerns raised by officers and in representations, so further publicity was not considered necessary.

5.3 Based on these final amendments, officers were supportive of the application.

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) and Supplementary Planning Guidance / Documents

6.2 The application site covers Housing Allocation HS26.

6.3 Site allocation HS26 identifies the following constraints relevant to the site:

- The provision of a pedestrian footway is required across the site frontage
- Site affected by hazardous installations - Syngenta Ltd
- Part/all of the site is within a Coal Referral Area
- Site is of possible archaeological interest.

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity

- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

- Highway Design Guide SPD (2019)
- Housebuilders Design Guide (HDG) SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix (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 (2017)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), updated December 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 places
- **Chapter 13** – Protecting Green Belt land
- **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

6.7 Other relevant national guidance and documents:

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

Climate change

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

7.0 PUBLIC/LOCAL RESPONSE

Public consultation

- 7.1 The application was advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the council’s adopted Statement of Community Involvement. Following the first two sets of amendments to the application it was re-advertised via neighbour notification letter. The first set of amendments were also re-publicised by site notice and newspaper advertisement; in the case of the second set of amendments the scale and nature of the changes were not deemed sufficient to warrant this step being taken. The final amendments were not re-advertised, as they were deemed minor in scale and were not considered to raise substantial new planning issues that would require the opportunity to comment (and in the case of substitution of house types, addressed one of the concerns that had been raised by officers and in letters of representation).
- 7.2 The end date for the final period of publicity was 01/12/2023. Across the three public representation periods a total of 123 public representations were received. Only one of this is a supporting comment; all the others are in opposition or raise concerns.
- 7.3 The following is a summary of the objections / concerns received, grouped under sub-headings:

Highway and transport issues

- Has a traffic survey been conducted at the proposed access? Where this is planned it will cause problems without making a large enough roundabout and moving the exit to opposite Cockley Meadows. Existing junction already dangerous because of fast-moving traffic. Vehicles use it as a cut through from the motorway and to avoid speed bumps on Heaton Moor Road.
- I am concerned about the road safety aspect not only for the access to and from the site on Cockley Hill Lane itself but also the B6118 and the junction with Bellstring Lane is already a renowned accident blackspot. At certain times of the day Cockley Hill Lane is subject to speeding drivers. The junction with Bellstring Lane is already dangerous and difficult to emerge from due to its position on a bend in the road and oncoming vehicles appearing over the brow of the hill.
- Roads in the village get clogged up due to parked cars on the roadside which creates bottlenecks. This issue would become even worse and the increased traffic pollution from stationary cars with their engines running will certainly cause health issues.
- Submitted layout doesn't include bin storage or collection information. Insufficient private parking (some proposed units have only one parking space).
- Have travel plans been formulated in parallel with the development proposals or a Road Safety Audit been undertaken?
- The singular path is well used as people make their way to the bench at the beauty spot - it is too narrow for a wheelchair, buggy or in places a singular pedestrian. It is unsafe for this road to take an increased volume of traffic
- The travel plan for this site doesn't resemble real life, car sharing, bicycles, walking, in reality people with jobs drive cars 4x4's vans motorbikes very few if any would be able to car share due to different shift patterns etc, very few would cycle especially in the winter months on unlit roads.
- There is also an added danger as this road is used extensively by equestrians.
- This site appears to have limited opportunity for connectivity and permeability for pedestrians and other nonvehicular users.
- Not close enough to public transport links.
- The introduction of speed cameras on Wakefield road a few years ago seems to have also increased the volume of traffic through Kirkheaton Via Cockley Hill.
- Has an agreement under Section 278 (S278) of the Highways Act 1980 been sought and approved and a Road Safety Audit (RSA) been submitted by Cockley Developments to Kirklees Council prior to an independent RSA being undertaken and submitted?

Visual amenity and local character

- The existing open land is part of the character of Kirkheaton and also beneficial to local people's mental well-being.
- While the design statement mentions the diversity of housing types and materials in the area I was unable to find any information about the building materials to be used to build the properties. Sympathetic consideration should be given to the fact that this site is almost surrounded by Victorian and early twentieth century stone houses/buildings.

Residential amenity

- Loss of privacy.
- Light blocked by retaining wall.
- No sections have been provided between 8 and 10 Knowle Road and the plots to enable the council to assess the impact of the development on living conditions and privacy.
- Also unclear if gardens are to be stepped.
- Noise and vibration during construction.

Environmental issues

- Loss of semi-natural land and wildlife habitat. Used by barn owls and bats, deer and ground-nesting birds. Since the outline application, nature has taken over and I would argue that the study needs to be done again to re-evaluate the previous findings.
- The site is boggy with many natural springs soaked up by the marsh at the bottom of the site.
- We are concerned that any development of this site should not abut directly with the properties to the NE and W of the site – a suggested separation distance of 10 metres is proposed to allow wildlife corridors to be instated.
- Mature trees should be protected.
- Noise and disturbance during construction.
- If allowed, should have air source heat pumps and solar panels.

Other concerns

- The land is Green Belt.
- Also what provisions have been made to accommodate the residents at over stretched doctors, schools and dentist?
- There are many brownfield sites that could be built on instead, including within Kirkheaton.
- Increased surface run off - this area is a wetland, houses beneath on the slope will be impacted.
- The houses are not needed, Kirklees have already approved substantial developments in Lepton and Fenay Bridge exceeding government targets for housing allocation in the area.
- My house backs directly onto the proposed development field, and from the minor work been done over the years with plumbing, drainage systems, I know for a fact it disturbs, the internal plumbing in our homes, so my question would be is this to be compensated for and rectified by the building firm.
- Not enough detail – e.g. homes for older and vulnerable people and for affordable and social homes.
- Contrary to draft Kirkheaton Neighbourhood Development Plan, which should be taken into account.
- Health and Safety Executive advise against granting planning permission and are concerned about cumulative development within consultation zone.
- Dismissal of previous appeal on three grounds: unreasonable extension of village into open countryside, too close to an existing junction, increased surface water run-off.

- I am generally not in favour of this development on a greenfield site but if it is to go ahead I would like the following to be taken into consideration.
 1. There should be more smaller housing units as was requested by local groups to allow downsizing.
 2. Shop Lane site would be fully developed before approval for Cockley Hill is fully granted.
- It is also inevitable that the construction vehicles will transfer mud on to Cockley Hill which I must point out is a steep hill.
- Loss of agricultural land.
- This plan was originally turned down in 1987. Planning from 2014 had reports done on the land by ARP geotechnical stating it would be a high-risk development and that if approval was ever granted all buildings, road and drives should be drilled and grouted to ensure surface stability.... this is now missing from the current application and nothing has changed in the current circumstances.
- Not safe for development owing to coal mining legacy.
- There are over 3,500 empty homes in Kirklees Council
- We need to raise with the landowner responsibility for collapsed wall on boundary of application site.
- The refusal of permission for development for application 87/60/00192/B1 stands the same today as it did then.

7.4 Representation in support

We have a systemic and ongoing lack of secure and affordable homes in the UK. The council has over 12,000 households registered as being in housing need. Some of these households will include children, disabled people, people who are rough sleeping and other vulnerable individuals. We need to provide a year-on-year supply of decent housing that enables the market to free up affordable and suitable properties for people struggling to access housing.

7.5 Kirkburton Parish Council:

The Parish Council would make the following comments on the application:

The area to the far east of the site (H9) does not have outline planning permission, it is in the Green Belt and the proposal includes felling an area of semi mature/mature trees. This area should be left undeveloped. The Reserved Matters relate only to the 57 houses, which already have planning permission. There are no small retirement units in the proposals, which is the greatest need in the village, as identified in the draft Kirkheaton Neighbourhood Plan: "... ensure that an appropriate mix of housing types is developed; this reflects the need for a substantial increase in the number of affordable homes [20% is requested] and for specific provision to be made to meet the needs of older and vulnerable people, especially through the provision of extra care or specialised support housing.

7.6 The site is within Dalton Ward. The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for lifetime home designs to be incorporated in the section 106 social housing contribution?
- Also, as part of the section 106 request that the PROW KIR8 be repaired and improved.

- We need more information about biodiversity and trees for all three developments which I believe you are going to request.
- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds.
- As you are aware HGVs are restricted on this road. I appreciate this is not a material consideration however please could you highlight this problem to the Highways Development Manager?
- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road.
- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Health and Safety Executive – Advise against granting of planning permission.

Environmental Health and the Coal Authority were consulted on the Outline application and recommended conditional approval. It was not deemed necessary to reconsult them on the reserved matters application. Their advice was incorporated into conditions on the Outline permission where appropriate.

8.2 Non-statutory

KC Highways Development Management – No objection subject to conditions and Section 106 contributions (sustainable transport and travel plan monitoring).

KC Trees – No objection.

KC Ecology – PEA is out of date and application should not be determined until a further walk-over survey has been undertaken.

KC Landscape – No objection subject to conditions and Section 106 contributions.

KC Strategic Housing – Support.

KC Strategic Waste – No objections subject to minor revisions to accommodate refuse collection vehicle (11/10/2022).

West Yorkshire Police Designing Out Crime Officer – Comments and recommendations made, including with regard to home security, lighting and boundary treatments.

9.0 MAIN ISSUES

- Land use and principle of development
- Minerals
- Masterplanning
- Quantum of development

- Housing mix
- Sustainable development and climate change
- Urban design
- Trees and landscaping
- Residential amenity
- Highway and transportation issues
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Land use and principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise.

Land allocation, housing need and delivery

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.3 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for an application, where applicable, will be set out in the officers’ assessment.
- 10.4 The proposed development lies within housing allocation HS26 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. The development now proposed would be the first of two phases of a housing development that would encompass housing allocations HS26 and HS28. “Phase 1” – the development now being considered – benefits from an extant outline permission. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.

Minerals

- 10.5 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Masterplanning

- 10.6 The adopted development plan at the time the outline application was presented to committee was the Kirklees Unitary Development Plan, which did not strongly emphasise the importance of masterplanning or connectivity between adjacent development sites. Furthermore, neither the site itself nor any adjacent land were at the time, housing allocations.
- 10.7 The site layout proposed however provides for full connectivity with the site and the neighbouring allocation HS28. It is considered that the development upholds the aims of the relevant part of Local Plan policy LP5.

Quantum of development

- 10.8 Local Plan policy LP7 and Principle 4 of the Housebuilders Design Guide (HDG) SPD require development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS26 is expected to deliver 60 dwellings. Whilst the “indicative capacity” is set out the housing allocation but and in practice a lower density may be appropriate, having regard to the aims of good design as well as practical constraints on the site.
- 10.9 The site area is approximately 1.99ha. Once the access roads are accounted for, the net area of the site would be approximately 1.65ha, resulting in a net density of 33 per hectare. This is only marginally below the recommended 35 per hectare. The number of dwellings that would be delivered by this scheme would be 10% below the indicative capacity. There are, however, constraints on the site which would make it difficult to achieve a higher density, notably the steep gradient which will inevitably require some land-take by retaining walls. These will be considered further where relevant within this report.

Housing mix and affordable housing

- 10.10 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal’s housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2-, 3- and 4+-bed) and form (detached, semi, terrace, bungalow). The Housing Mix and Affordable Housing SPD sets out the recommended housing mix (by number of bedrooms) within each housing market sub-area. The site falls within Huddersfield South sub-area. The Housing Mix and Affordable Housing SPD states within this area, the breakdown of house type by number of bedrooms should be: 30-60% 1- and 2-bed; 25-45% 3-bed, 15-35% 4-bed. In this case, the proposal includes a mix of detached and semi-detached units, with one terraced row (of four units), with the following mix of unit types:

- 2-bed: 8 (14.8%)
 - 3-bed: 34 (63.0%)
 - 4-bed: 12 (22.2%)
- 10.11 The provision of two-bedroom houses for Phase 1 is therefore below the 30% target.
- 10.12 The Phase 2 provision is 8x 2-bed, 15x 3-bed and 6x 4-bed. For the entire 83-unit scheme the breakdown of housing by type would therefore be:
- 2-bed: 16 (19.3%)
 - 3-bed: 49 (59%)
 - 4-bed: 18 (21.7%)
- 10.13 The provision of 2-bed homes across both phases would therefore fall below the 30% lower limit set out in the SPD. However, the approved reserved matters for the site on Shop Lane (which is a project of the same developer and is linked to the Cockley Hill Lane scheme) contains a greater proportion of two-bedroom houses. Once these are added, the provision of 2-bed houses across all three sites is 33 out of 124 (26.6%). This still falls below the recommended lower threshold of 30%. Considering the challenges in developing this site, including the required earthworks and retaining structures, as well as contamination and coal mining legacy issues already referred to, with the resultant abnormal costs, it is considered that the scheme thus achieved contains an acceptable mix of house types.
- 10.14 The latest modifications to the plans have increased the number of 2-bed units relative to the 3-bed units. The increase in 2-bed units is the C2+ house type which is the Lifetime Homes unit. Lifetime Homes is a set of 16 design principles that are intended to make homes more accessible and adaptable, including for people with long-term illnesses or who are experiencing reduced mobility in later life.
- 10.15 Part 5 of the Housing Mix and Affordable Housing SPD sets out the mix of house types that it is recommended be provided as the affordable element in a housing scheme. Within the Huddersfield South sub-area, it should normally be 40-79% 1- and 3-bed, 0-19% 3-bed, 20-39% 4-bed. The proposed provision does not accord with this, offering instead a 36-64% split in favour of three-bedroomed houses for this site. This is however in accordance with the terms of the Section 106 Agreement entered into at outline stage, and Strategic Housing raise no concerns about the mix. Officers accept that whilst not according with recommended balance in part 5 of the SPD, it will make a satisfactory contribution to meeting the demand for affordable housing in the area.
- 10.16 Weighing policies LP7, LP11 and Principle 4 of the Housebuilders Design Guide's requirements against the constraints and relevant planning history, officers do not have concerns over the housing mix or forms proposed. The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the council's housing targets (including the delivery of affordable housing, which has been secured at outline stage) and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, assessed below.

Sustainable development and climate change

- 10.17 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social, and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.18 The site is within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and the proposed access point is within 200m of Kirkheaton Local Centre which provides various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable. The site entrance is approximately 200m from the bus terminus at the junction of Town Road and Heaton Moor Road which provides a twice-hourly service throughout most of the day. The site is therefore considered to have moderate public transport accessibility and would enable at least some journeys to be undertaken without the use of a private car.
- 10.19 The promotion of carbon reduction and climate change resilience is not classed as a separate reserved matter, but can be incorporated into (and considered under) a reserved matters application or secured by condition in so far as it is relevant to the reserved matters being considered, such as layout and appearance. Adequate cycle storage provision has been shown within the proposed layout, of which can be secured by condition. A scheme of electric vehicle charging points has already been secured by condition. Other factors will be considered where relevant within this assessment.
- 10.20 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations. The incorporation of measures into the new buildings to reduce carbon emissions during their lifetime – such as insulation beyond current Building Regulation standards, or microgeneration such as solar panels or heat pumps – would be welcomed, but such measures are not currently required by planning policies in relation to the reserved matters currently under consideration.

Urban design (relevant to reserved matters: scale, layout and appearance)

- 10.21 Relevant design policies include Policies LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*. These policies are supported by various Principles outlined within the Housebuilders Design Guide (HDG) SPD, of which the following are considered to be particularly relevant to this section:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

- 10.22 There are no listed buildings or other designated heritage assets within or adjacent to the site, or that would be visible from it. The proposal is not expected to impact upon the historic environment directly or indirectly.
- 10.23 The site in its present state makes a modest positive contribution to the amenity of the area. The principle of residential development here has, however, been accepted. Established development lying close to or adjacent to the eastern, northern and western edges of the site consists mainly of terraced houses in short rows dating mainly from the 19th century. This includes rows backing onto the site and also those where the gable end of the row faces the site. This development does not form a very hard or well-defined edge to the settlement as in many places there is intervening space used for purposes such as residential gardens. There is also a small modern development comprising four detached houses on large plots.
- 10.24 The proposed development would not be linked to any of the established high-density development by means of direct vehicular access routes, and can be considered a self-contained site. It is considered therefore that it does not need to closely mimic the layout, built form or design details of established development.
- 10.25 The proposed dwellings are considered to be of an appropriate scale, being 2-storey within an area comprising mainly 2-storey houses, and would not therefore dominate their surroundings. It is considered that the layout and density of the development would provide a suitable transition between the high-density development near the core of the village and the open countryside to the south.
- 10.26 The proposed road layout is considered a rational way of maximising the development potential of the site, taking account of the variation in levels. The high retaining wall separating the higher and lower plots would be visible from outside the site but as it would form the division between neighbouring back gardens, and not between residential plots and the street scene, is considered acceptable as a rational response to the gradients within the site which would generally avoid the need for steep road gradients or for a large number of smaller retaining walls throughout the site.
- 10.27 The proposed dwellings would be of modern traditional appearance. They would not closely mimic the local vernacular but would at least reference it, having typically a simple built form, symmetrical double pitched roof, gutters supported by corbels and windows typical of the surrounding area in terms of

their placement and proportions. It is noted that roof pitches would be steeper than most of the established development, but this is judged acceptable since the site is considered to be relatively self-contained and would not be seen as the continuation of existing street frontages. It would thereby comply with the guidance of HDG SPD Principles 5 and 12. The architectural form and appearance of the units are considered acceptable, in compliance with policy LP24 of the Local Plan and the guidance of Principles 14 and 15 of the HDG.

- 10.28 Walling and roofing materials are not specified within the plans or supporting documents. The use of regular coursed natural stone as the principal walling material would be preferred but a high-quality artificial stone may also be acceptable here. It is recommended that the submission of materials for inspection be conditioned. Sections have been provided but the plans do not contain a full set of finished floor and ground levels relative to Ordnance Datum, so for the avoidance of doubt it is recommended that this be conditioned.
- 10.29 Boundary treatments separating the plots and forming their rear garden boundaries where they abut adjacent land are to be timber fences 1.8m in height. This is regarded as satisfactory and can be the subject of a prescriptive condition.
- 10.30 Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the Kirklees Local Plan, and Chapter 12 of the NPPF, and the guidance of the HDG SPD Principles outlined above.

Trees and landscaping

- 10.31 Policy LP33 of the Kirklees Local Plan establishes a principle against the loss of trees of significant amenity value, with further guidance given by Principle 7 of the HDG SPD. There is a belt of mature trees on the north-western margin of the site benefiting from an area Tree Preservation Order. An Arboricultural Survey and Impact Assessment have been submitted. These show the removal of a hawthorn hedge, a single multi-stemmed hawthorn and a beech on adjacent land, all of which are judged to have low amenity value. The AIA and AMS submitted are sufficient in showing that no retained protected trees will be under threat throughout this development. A condition on adherence to the AMS during construction should be imposed as a precautionary measure. The trees scheduled for removal are of low amenity value and their loss is outweighed by the benefit of the development.
- 10.32 The proposed scheme for phase 1, the application now being considered, shows very little landscaping within the site other than domestic gardens. There is some left-over space at the site margins, in particular the western margin between the outer retaining wall and site boundary, and small pockets of space (such as between units 27 and 28). Much of this area is shown on the landscaping masterplan as being sown with species-rich grass. Phase 2, which is a separate application, contains a much greater proportion of new and retained landscaping. Considering the scheme as a whole it is considered that a satisfactory amount of landscaping is provided, taking account of the need to make efficient use of the site.

- 10.33 KC Landscape have requested a condition that full details of landscaping (including species mix and future maintenance) be provided, and a plan for the maintenance of public open space. As there is no public open space shown within Phase 1, it is considered any outstanding landscaping matters could be satisfactorily covered by one condition.
- 10.34 This would ensure compliance with policies LP24, LP32 and LP33 of the Kirklees Local Plan, and Principle 7 of the HDG SPD.

Residential Amenity

- 10.35 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.36 Furthermore, the Housebuilders Design Guide SPD sets out several design principles to protect amenity, which will need to be considered when assessing a proposal's impact on residential amenity. These are further supported by policies outlined within Chapters 12 and 15 of the NPPF.

Impact on amenity for existing dwellings

- 10.37 All proposed new dwellings that face towards the site boundaries would maintain at least the minimum 21m from any opposing windows in established residential development and at least the minimum 10.5m from any adjacent undeveloped land.
- 10.38 Near the southwestern boundary of the site, plots A28-35 would be raised up above existing ground levels and the land continues to fall towards 9-10 Knowle Road. It is considered that the distance between existing and proposed development would make the difference in ground levels not such as would have an overbearing impact.
- 10.39 Officers expressed concerns at an earlier stage in the application process about the impact of the retaining wall supporting the new estate road upon 46 Cockley Hill Lane. This property has its principal aspect to the south-west and north-east, but has a historic single-storey extension with a secondary outlook to the south-east, towards what would be the new road and retaining wall. Modifications were made as a result. On the latest version of the plans, the retaining structure would be about 2m high and 800mm higher than eaves level in the single-storey element, as shown on the section. The distance from the main window in the side elevation of 46 Cockley Hill Lane to the retaining structure would, at its closest point, be 10.5m. Whilst a distance of 12m between a habitable room window and a wall is recommended as standard, it is considered that, as this property's main front and rear outlook would be unaffected, the relationship is acceptable.
- 10.40 In conclusion, it is considered that the development would not compromise the amenities of any existing property. There are no shortfalls in the recommended separation distances, and it is considered that the positioning, scale and height of the proposed new dwellings would not result in a significant impact on light or outlook for existing ones.

Residential amenity for occupants of new dwellings

- 10.41 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they are cited within the Housebuilders Design Guide (Principle 16) and provide useful guidance which applicants are encouraged to meet and exceed.
- 10.42 Floorspace figures for each house type are set out within the table below table, from which it can be seen that all house types would meet or exceed the recommended minimum standards:

House Type	Number of bedrooms	Number of units	Proposed (GIA, m²)	NDSS (GIA, m²)
C2	2	6	71	70
C2+	2	2	80	70
E	4	6	146	97
F	3	13	86	84
G	4	1	109	97
J	3	2	126	90
Q	3	5	112	84
P	4	3	111	97
R	3	9	89	84
S	3	7	97	84

- 10.43 The proposed scheme would ensure delivery of two units within this proposal (and a further two within the proposed Phase 2) meeting Lifetimes Homes standards. These are designated C2+ and contain a larger internal floor area than C2. It is considered that this is an additional benefit as it would assist in the delivery of houses meeting the needs of all sections of the community.
- 10.44 Garden depth and size varies throughout the proposed development. It is noted that a few dwellings, notably units 20 and 32, have gardens that are particularly short, being only 6-7m in depth and that attached to unit 18 is reduced to a triangle, tapering to a point at the rear. It is recognised, however, that the layout has been designed taking into account the topographical constraints of the site, and taking a view of the development as a whole that private amenity space is useable, of sufficient size and high quality.
- 10.45 All dwellings would be dual aspect and would be placed so that habitable rooms would be able to receive adequate amounts of natural light, including direct sunlight. The new dwellings would also be placed and configured so as not to overlook each other at close quarters.
- 10.46 It is noted that plots 36-44 would have their rear or eastern outlook affected by the high retaining wall separating them from the higher plots. This might have some impact on their ability to receive morning sunlight, but as the wall is located to the northeast, it is considered the obstruction to sunlight would not be unacceptable. The separation distance would in most cases be 12m or more although units 36 and 38 would be somewhat closer. It is considered on balance that the arrangement is acceptable and would not have a strongly negative impact on these property's living conditions.

- 10.47 As previously noted, 1.8m screen fences are shown at garden boundaries to prevent mutual overlooking.

Environmental and amenity impacts during construction

- 10.48 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is also recommended.

Residential amenity – conclusion

- 10.49 To summarise, the proposed development is considered not to result in detriment to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

Highway and transportation issues

- 10.50 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. The Highways Design Guide SPD outlines expected standards for new developments and their roads. 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.

Traffic generation, access and impact on highway network

- 10.51 The principle of residential development on this site, consisting of up to 60 dwellings and taking access to Cockley Hill Lane at the point now shown, was accepted at the outline stage and this matter cannot now be revisited. However, it is now proposed that the access would serve both phases of the scheme, amounting to 81 dwellings. A revised Transport Assessment to summarise the total traffic generation associated with the development has been prepared and submitted by Paragon Highways (ref 702F) dated October 2023.

- 10.52 The Transport Assessment predicts 62 and 55 two-way movements, at morning and evening peak respectively, to arise from a development of 84 dwellings. Highways Development Management considers the trip rates utilised to be acceptable in this respect utilising a priority give way arrangement as proposed. Suitable visibility demonstrated, no further concerns are raised regarding this from a highways perspective.

Internal layout and parking

- 10.53 The internal layout has now been designed in accordance with the council's Highway Design Guide SPD. This follows negotiations on the internal estate road including ensuring the proposal is suitable for adoption in terms of suitable gradients appropriate visibility splays and forward visibility and a suitable level of off-street parking. The applicant has provided suitable swept path information regarding access for refuse collection vehicles.
- 10.54 The development provides sufficient off-street parking for each type of dwelling in accordance with the council's SPD and the provision of visitor parking at a ratio of one space per four dwellings is also provided and considered acceptable.

- 10.55 Each dwelling would have a designated bin storage area within its curtilage for three refuse containers. Bin presentation points are also incorporated into the layout in such a way that bins can be put out for collection without obstructing the public highway.

Cycling and sustainable transport

- 10.56 Highways Development Management have assessed the application and have concluded that conditional approval can be given to the reserved matters subject to the developer entering into a Section 106 Agreement to provide sustainable contributions to the total sum of £28,583.50 and Travel Plan monitoring contributions of £10,000. Planning officers agree with this approach. Each property, it is noted, is shown to have its own cycle store. Specifications should however be conditioned.

Construction management

- 10.57 A development of this scale should normally have a Construction Management Plan secured via condition to ensure the development does not cause harm to local highway safety and efficiency. This is in fact already covered by condition 11 of the outline approval. KC Highways Development Management have also advised that a 'highway condition survey' be undertaken, and that this be secured via condition. This would include a review of the state of the local highway network before development commences and a post-completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable, and a condition is recommended.

Highways and access – conclusion

- 10.58 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highways Design Guide SPD.

10.59 The following conditions have been requested by KC Highways Development Management:

- Visibility splays to be provided and wall set back behind rear of visibility splays;
- Details of junction of estate road with Cockley Hill Lane to be submitted;
- Travel plan to be submitted;
- Full scheme of adoptable estate roads;
- Details of temporary waste collection arrangements;
- Cross-sectional information and design details for retaining walls;
- Cross-sectional information and design details for surface water attenuation features within the proposed highway footprint; and
- Highway defects survey pre-commencement, and post-development, with a scheme to rectify any subsequent defects

10.60 The condition for visibility splays is already covered by a condition on the outline approval. The other conditions listed above are considered to be appropriate as they would ensure that the development layout functions well and that the safety of both future and existing highway users is safeguarded.

10.61 KC Highways Development Management also request a financial contribution to sustainable transport and travel plan monitoring. This is also considered reasonable, in the interests of ensuring that opportunities for travel by means other than the private car are maximised, but would need to be incorporated into a Section 106 Agreement.

Drainage and flood risk

10.62 The site is deemed to lie within Flood Zone 1 according to the council's Strategic Flood Risk Assessment and Environment Agency Flood Risk Assessment. A Flood Risk Assessment and drainage strategy was submitted with the outline application. It acknowledged the possibility that the overlying clays and underlying mudstones and sandstones of the middle coal measures would not support infiltration systems but that further investigation would be carried out to assess this. In the event that an infiltration system was found to be unsuitable then the flows from the site would have to be attenuated to agricultural rates to ensure that downstream sewers and land drainage systems downstream of the site would not be overwhelmed leading to localised flooding. Methods and capacity of stormwater attenuation systems and points of discharge would be determined at a later stage.

10.63 The drainage scheme design now being considered has been devised through a long period of negotiation between the developer and Kirklees officers including those of the Lead Local Flood Authority.

10.64 One feature of the site that has been noted is the presence of an existing drainage outfall west of 36-38 Cockley Hill Lane – this discharges onto the site which therefore has to act as a soakaway. This, it is believed, is the main source of the marshy conditions on the lower part of the site, especially the area south-east of 8-10 Knowle Road. The drainage strategy that has been devised takes this into account, in providing a field drainage system to collect water from this damp and low-lying part of the site which will then discharge to a culverted watercourse west of Shop Lane.

- 10.65 This watercourse would also provide the means of surface water disposal for the 41-dwelling development on the former mill site west of Shop Lane approved under application 2021/91506. As a condition of granting permission, attenuation is also provided so that run-off from the completed Shop Lane development will be considerably reduced, compared to the situation when the site largely consisted of buildings and impermeable surfaces.
- 10.66 Returning to the present application, the new drainage infrastructure will increase the efficiency of the existing land drainage, but taking into account the substantial attenuation provided as part of the Shop Lane scheme, cumulative peak discharge to the culverted watercourse would not increase.
- 10.67 Meanwhile any new water run-off arising from the development, i.e. drainage from roofs, roads and other impermeable structures, would be directed towards an attenuation basin in the southernmost part of the site, before ultimately discharging to the same culverted watercourse. This would ensure that new run-off arising from the development is attenuated to greenfield levels.
- 10.68 The Lead Local Flood Authority is now satisfied with the overall drainage strategy and layout, and recommends approval. Although not highlighted by LLFA, the case officer recommends that the maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement as this is generally regarded as good practice for large housing developments, as the only guaranteed way of ensuring that its functionality is maintained at all times in the future.
- 10.69 Foul water from the proposed development would discharge to the existing combined sewer. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.70 Considering the above, subject to the securing of management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecological issues

- 10.71 Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, state that the council seeks to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.72 The outline application was supported by a Preliminary Ecological Appraisal (PEA) comprising a desk-based study followed by a site survey. The latter found that species-poor, semi-improved, neutral grassland occupies around two thirds of the total area covered by the survey, the remainder consisting mainly of former allotments and gardens. It concluded that the main habitats within the site had very limited ecological value, but that the trees and hedgerows mostly to be found at the margins of the site would be of value to birds, bats and invertebrates, and should be retained and protected. A condition was imposed on the outline permission, which remains enforceable, to provide details of ecological enhancement prior to the commencement of development.

- 10.73 KC Ecology have recommended that, as the previous ecological surveys are now outdated by a considerable number of years (best practice guidance states that the lifespan of ecological reports is generally 18-25 months), these should be updated in order to gain a more accurate idea of the site's baseline value so as to achieve a biodiversity net gain. It is acknowledged that the site's biodiversity value may have improved over the past few years since – owing to its largely unmanaged state – there may have been a degree of reversion to a semi-natural state.
- 10.74 However, at the time when outline planning permission was granted, the requirement (established by the Environment Act 2021 and subsequent Planning Practice Guidance) that new development must formally demonstrate a 10% Biodiversity Net Gain was not in force, and the requirement cannot be retrospectively applied to this development at this reserved matters stage.
- 10.75 The relevant original condition remains in force, however, and will have to be discharged by the submission of biodiversity habitat enhancement scheme. The layout of the proposed development means that the possibility of creating substantial areas of semi-natural habitat within Phase 1 (the area to which this application relates) are very limited, although tree planting is indicated, mostly within residential gardens. The Phase 2 layout, however, contains two substantial landscaped areas.
- 10.76 It is therefore considered that viewed as a whole, the proposed development scheme contains ample opportunity to enhance the biodiversity of the site and would thereby comply with the aims of policy LP30 of the Kirklees Local Plan and the guidance of Principle 9 of the Housebuilders Design Guide SPD.

Planning obligations

- 10.77 Paragraph 57 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Several planning matters were the subject of a Section 106 Agreement at the outline stage, which remains enforceable. For the reasons set out in the relevant sections in this committee report, a new planning obligation covering sustainable transport and monitoring and the future management and maintenance of new drainage infrastructure will need to be entered into.

Other Matters

Air quality

- 10.78 The development is not located within an Air Quality Management Area, nor is it considered to fall within any of the criteria within the West Yorkshire Low Emission Strategy (WYLES) Planning Guidance Document to require an Air Quality Impact Assessment.

Contamination and land stability issues

- 10.79 A large part of the site lies within a Coal Referral Area. The applicant submitted a Phase 1 ground investigation report and an intrusive coal mining survey which were reviewed by KC Environmental Health and the Coal Authority respectively.

The standard conditions were applied and these matters do not require any additional investigation or reports at this stage. The proposal thereby complies with the aims and objectives of Local Plan policy LP53.

Crime Mitigation

- 10.80 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, lighting and boundary treatments, but has not raised any site-specific concerns. All of the comments made will be highlighted in an advisory note on the decision notice, should approval be granted. The site layout allows an adequate amount of passive surveillance of the street to take place. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime in accordance with Local Plan policy LP24(e) and that no specific conditions are necessary.

Health and safety issues

- 10.81 The site lies within the middle zone of a hazardous installation, the Syngenta site. The Health and Safety Executive (HSE) were consulted on the outline permission for this site. They considered that there were sufficient safety concerns to advise against the granting of planning permission but chose not to exercise their power to request a call in from the Secretary of State. HSE further advised that "is strongly suggested that if any changes are made to these aspects after outline permission has been granted, then further advice should be obtained from HSE before reserved matters are determined. For example, if the density or the number of dwelling units in a residential development are increased".
- 10.82 The density or number of dwelling units has in fact been reduced from the outline stage. Since, however, the HSE has been consulted on this reserved matters application, and maintain their advice against the granting of planning permission, the HSE will, if Members resolve that approval should be granted, be notified and given 21 days to decide whether they wish to request a call-in by the Secretary of State.

Representations

- 10.83 A total of 123 representations have been received (not including those of the Parish Council and Ward Councillors). Most matters raised have been addressed within this report. The following are matters not previously directly addressed:

Highway and transport issues

- The singular path is well used as people make their way to the bench at the beauty spot - it is too narrow for a wheelchair, buggy or in places a singular pedestrian. It is unsafe for this road to take an increased volume of traffic
Response: *PROW KIR/8/40, which crosses part of the phase 2 site, would be retained at a minimum width of 2m and would continue to be a segregated pedestrian route except for a short stretch south of B8 where it crosses a turning head. It would not be affected by the new vehicular access.*

- Have travel plans been formulated in parallel with the development proposals? The travel plan for this site doesn't resemble real life, car sharing, bicycles, walking, in reality people with jobs drive cars 4x4's vans motorbikes very few if any would be able to car share due to different shift patterns etc, very few would cycle especially in the winter months on unlit roads.

Response: Paragraph 117 of the NPPF states that “all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.” A full travel plan to maximise the uptake of means of transport other than the private car can be conditioned, although it is acknowledged that there is inevitable uncertainty about the actual uptake since this depends on individual behaviour.

- Has an agreement under Section 278 (S278) of the Highways Act 1980 been sought and approved and a Road Safety Audit (RSA) been submitted by Cockley Developments to Kirklees Council prior to an independent RSA being undertaken and submitted?

Response: A Road Safety Audit was supplied with the application. Agreement under Section 278 of the Highways Act is not necessary for the determination of a planning application as it is a separate process. It is normally dealt with at the post-decision, discharge of conditions, stage, since the type of information required of the developer will be of a level of detail to comply with Section 278 requirements.

Amenity issues

- We are concerned that any development of this site should not abut directly with the properties to the NE and W of the site – a suggested separation distance of 10 metres is proposed to allow wildlife corridors to be instated.

Response: A buffer zone is in fact provided to the northwest and northeast, but for the purposes of a drainage easement.

Other concerns

- The land is Green Belt.

Response: No part of the application now being considered is on Green Belt land.

- Also what provisions have been made to accommodate the residents at over stretched doctors, schools and dentist?

Response: Education contributions were secured at the outline stage, which was for a larger number of dwellings, and the issue cannot be re-opened in the context of a reserved matters application. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services in Kirklees. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

- There are many brownfield sites that could be built on instead, including within Kirkheaton.

Response: *There is no basis in current national or local policy for requiring brownfield sites to be developed before greenfield sites and the current housing requirement cannot be met using brownfield sites alone.*

- My house backs directly onto the proposed development field, and from the minor work been done over the years with plumbing, drainage systems, I know for a fact it disturbs, the internal plumbing in our homes, so my question would be is this to be compensated for and rectified by the building firm.

Response: *The development makes satisfactory provision for drainage. In general, the responsibility for ensuring that development does not undermine or adversely affect neighbouring private land. The issue raised here is considered to be a private civil matter.*

- Contrary to draft Kirkheaton Neighbourhood Development Plan, which should be taken into account.

Response: *As the plan is at draft stage, it is considered that no substantial weight can be placed on it. A NDP is unlikely to proceed to adoption stage if not in general conformity with the district-level plan (in this case Kirklees Local Plan).*

- I am generally not in favour of this development on a greenfield site but if it is to go ahead I would like the following to be taken into consideration. 1. There should be more smaller housing units as was requested by local groups to allow downsizing. 2. Shop Lane site would be fully developed before approval for Cockley Hill is fully granted.

Response: *The mix of house types on site has been adjusted during the application process in favour of smaller (2-bed) houses. The Shop Lane proposal and the two phases of the Cockley Hill Lane scheme are physically interconnected, but the council cannot compel the developer to develop the Shop Lane site first. This would not serve a legitimate planning purpose.*

- Loss of agricultural land.

Response: *Decision-makers should only place significant weight on the loss the “best and most versatile agricultural land”, or land in grades 1, 2 and 3a of the Agricultural Land Classification, which this is not.*

- This plan was originally turned down in 1987(87/60/00192/B1) and the reasons still stand.

Response: *A decision from 1987 can be afforded no substantial weight since there have been many changes to the policy context (and other material planning considerations) since that time at both national and local levels.*

- Planning from 2014 had reports done on the land by ARP geotechnical stating it would be a high-risk development and that if approval was ever granted all buildings, road and drives should be drilled and grouted to ensure surface stability.... this is now missing from the current application and nothing has changed in the current circumstances.

Response: *Appropriate actions to ensure that the site is remediated and will be fit to take development, were imposed on the outline. They remain in force and do not need to be repeated here.*

- There are over 3,500 empty homes in Kirklees Council.
Response: *Houses that are temporarily vacant do not count towards housing land supply. In any case, the principle of residential development on this site is already established by its allocation in the Local Plan and by its extant outline permission.*
- We need to raise with the landowner responsibility for collapsed wall on boundary of application site.
Response: *This is noted as a private civil matter.*

10.84 Kirkburton Parish Council:

The Parish Council would make the following comments on the application:

- The area to the far east of the site (H9) does not have outline planning permission, it is in the Green Belt and the proposal includes felling an area of semi mature/mature trees. This area should be left undeveloped. The Reserved Matters relate only to the 57 houses, which already have planning permission.
- There are no small retirement units in the proposals, which is the greatest need in the village, as identified in the draft Kirkheaton Neighbourhood Plan: "... ensure that an appropriate mix of housing types is developed; this reflects the need for a substantial increase in the number of affordable homes [20% is requested] and for specific provision to be made to meet the needs of older and vulnerable people, especially through the provision of extra care or specialised support housing.

Response: *The first comment appears to refer to the linked application on the land to the south, known as Phase 2, which is being considered separately under application 2021/92527. The final version of this proposal allows the retention of most of the trees. It is considered that the proposal now under consideration addresses these concerns, in terms of overall house type mix, and the provision of houses meeting the Lifetimes Homes standards, which will contribute towards meeting the present or future needs of older and vulnerable people.*

10.85 The following comments were made by Ward Councillor Musarrat Khan:

- Could we make a request for Lifetime Home Designs to be incorporated in the section 106 social housing contribution?
Response: *As noted elsewhere in the report, this has been proposed by the developer. It is considered that as the house types are clearly shown on the submitted plans, they do not need to be incorporated into a Section 106 Agreement.*
- Also, as part of the section 106 request that the PROW KIR8 be repaired and improved.
Response: *Such an action could only be required of the developer if it was deemed necessary in the context of the proposed development, and necessary to render the proposals acceptable in planning terms. Whilst the development may result in more people using the PROW, it is noted that the development will allow it to be retained at a minimum 2.0m width and that overall, pedestrian provision for routes linking Cockley Hill Lane and Shop Lane would be improved. It is therefore considered that such a course of action would not be justified.*

- We need more information about biodiversity and trees for all three developments which I believe you are going to request.

Response: *Further information about trees and landscaping (including reducing the developmental area of the site to allow more retention of trees and semi-natural landscape) was submitted during the application process. These aspects of the development are now considered satisfactory, as noted in the relevant sections of the report.*

- I am deeply concerned about potential damage to some 1800's cottages built on the roadside as they vibrate and shake when heavy vehicles pass and do not have sturdy foundations as new builds. As you are aware HGVs are restricted on this road. I appreciate this is not a material consideration however please could you highlight this problem to the Highways Development Manager?

Response: *The submission of a Construction Management Plan will be required before development can proceed. All factors that are deemed material planning considerations will be taken into consideration in its assessment.*

- I am also concerned about safety of pedestrians on Cockley Hill Lane as there are no pavements on large stretches of this road

Response: *It is noted that Cockley Hill Lane lacks a footway on its southern side, southeast of 52 Cockley Hill Lane. There may be some scope for providing a short stretch of footway either side of the new access along the site frontage although this is not explicitly shown on the drawings.*

- Given the current energy crisis alternatives to gas central heating should also be considered: air source heat pumps and solar panels on all properties.

Response: *Full details of measures to reduce carbon emissions associated with the development have not been supplied, but can be conditioned.*

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 The proposal seeks approval of reserved matters relevant to a residential development on a housing allocation that already benefits from the granting of outline permission. While the proposal does fall slightly below the Local Plan's target density of 35 dwellings per hectare and does not achieve the allocation's indicative capacity, the layout of the development is considered a logical response to the site's constraints. The proposal has achieved a good mixture of housing types. Accordingly, the principle of development is considered acceptable.

11.3 The design and appearance of the proposed development is considered acceptable. There would be no undue material harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and trees, have been addressed through the proposal.

11.4 Furthermore, the development would provide an enhancement to local affordable housing, providing 11 affordable units, and open space, with £36,645 off-site contributions to enhance local public open space facilities, as agreed at the outline stage and already secured by a Section 106 agreement in line with policy LP63 and the council's Open Space SPD.

11.5 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 condition.

12.0 CONDITIONS (Summary list – full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

- 1) Samples of all facing and roofing materials.
- 2) Full details finished floor and ground levels within the site relative to Ordnance Datum or an identifiable temporary datum.
- 3) 1.8m screen fences to be erected and retained where shown on the plan.
- 4) Details of junction of new estate road with Cockley Hill Lane.
- 5) Scheme detailing the proposed internal adoptable estate roads.
- 6) Full travel plan to be submitted.
- 7) A scheme detailing the location and cross sectional information, proposed design and construction details for all new retaining walls adjacent to the existing/ proposed adoptable highways.
- 8) A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
- 9) Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under development.
- 10) Cross-sectional information and design details for retaining walls.
- 11) Cross-sectional information and design details for surface water attenuation features within the proposed highway footprint.
- 12) Highway defects survey pre-commencement, and post-development, with a scheme to rectify any subsequent defects.
- 13) Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings.
- 14) Details of cycle stores.
- 15) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority.
- 16) Full details of hard and soft landscaping to be submitted.
- 17) Development to be implemented in full accordance with the approved Arboricultural Method Statement.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91507>

Certificate of Ownership

Certificate A signed.

Link to planning application details for Phase 2:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92527>