
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2021/92527 Erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure land off, Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH

APPLICANT

Richard Floyd, Cockley
Developments Ltd

DATE VALID

21-Jul-2021

TARGET DATE

20-Oct-2021

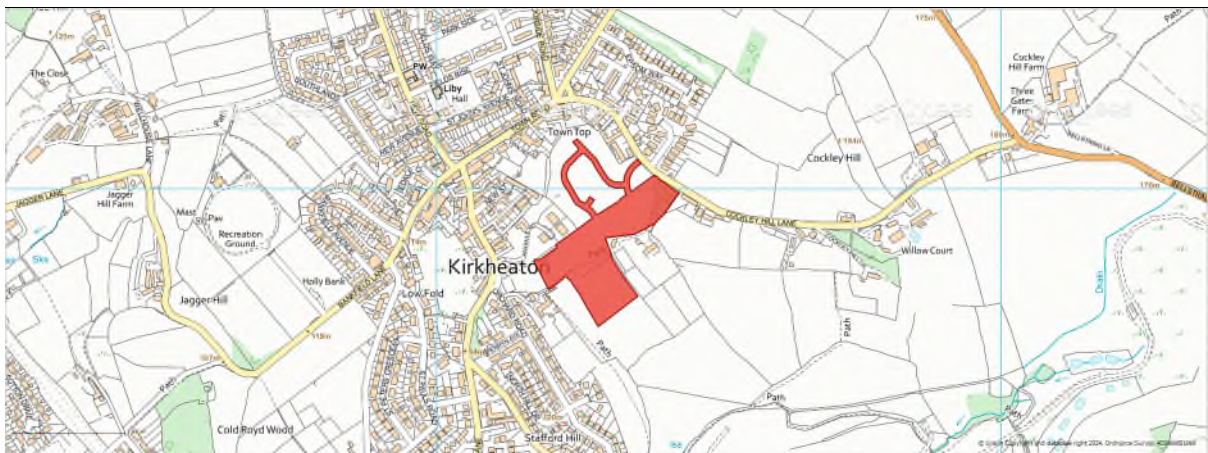
EXTENSION EXPIRY DATE

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

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) Affordable Housing: On-site provision consisting of six units.
- 2) Sustainable Transport: Provision of sustainable transport contributions to the total sum of £28,583.50 and Travel Plan monitoring contributions of £10,000.
- 3) Public Open Space: Off-site contribution of £23,352.64 to address shortfall.
- 4) Management and maintenance of drainage infrastructure: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker, and of the site's existing watercourse) and of street trees (if planted on land not adopted).

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 an application for full planning permission for a residential development of 29 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 site consists of a plot of land located close to the edge of the built-up part of Kirkheaton. It measures, at its greatest extent, 265m from southwest to northeast, and 160m in width, but is narrower at its northeastern end where it is adjacent to Cockley Hill Lane. 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 land to the northwest and southeast consists of open pasture. There is some low-density residential development adjacent to part of the northwestern site boundary and semi-natural land with trees adjacent to the southwestern boundary. The site itself is primarily open pasture with areas of scrub, marshy grassland and trees, and there is a belt of trees along the eastern part of the southern boundary continuing across the middle of the site. The site shows a general downward gradient from northeast to southwest, with a fall of approximately 30m. The overall area of the site is approximately 2.5ha.
- 2.3 About two-thirds of the site is allocated as HS28 in the Local Plan. The remainder is designated Green Belt. The site is bounded by a further housing allocation (HS26) to the northwest which is as yet undeveloped but benefits from outline planning permission.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure. This would form phase 2 of a wider development.
- 3.2 The dwellings would comprise 10 pairs of semi-detached houses and 9 detached houses and are broken down as follows:

House type		Number
C2+	2-bedroom, affordable	2
F	3-bedroom, open-market	10
Q	3-bedroom, open market	4
R	3-bedroom, affordable	4
R	3-bedroom, open market	2
S	3-bedroom, open market	1
E	4-bedroom, open market	1
G	4-bedroom, open-market	3
J	4-bedroom, open market	2

- 3.3 The provision of housing by number of bedrooms would therefore amount to:
- 2-bed: 2 (6.9%)
 - 3-bed: 21 (72.4%)
 - 4-bed: 6 (20.7%)
- 3.4 The access would be taken off the new estate road serving the proposed phase 1 of the Cockley Hill Road development, applied for under application 2021/91507.
- 3.5 A substantial part of the site would comprise landscaping. The southern part of the site, a roughly square area of approximately 0.8ha bounded by open fields to the southwest and southeast, and by a large domestic curtilage to the northeast, would host the proposed attenuation basin, which would require some regrading works. An area of formal public open space would be laid out at the southeastern end of the site, including a play area. At the northeastern end, a triangular area of semi-natural land including trees would be retained in its present state, and the belts of mature trees close to the southeastern boundary would be retained. The area to be developed for housing, parking spaces and access roads would be approximately 40% of the site area.

3.6 The houses would be provided with external parking spaces and eight visitor parking spaces would be provided within the layout. The proposed dwellings would comprise a mix of detached and semi-detached houses. Most would have double-pitched roofs and a simple built form, but type J would have small twin dormers and bays at ground floor.

3.7 It is proposed that six units are to be affordable (all types C2 and R).

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site:

None.

4.2 Surrounding Area:

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.

2021/91507: Reserved matters application pursuant to outline planning permission 2014/91831. Awaiting determination. This forms Phase 1 of the proposed development.

4.3 The application sites covered by 2021/91507 and 2021/92527 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 the various issues.

- Revised drainage information submitted 27/06/2022.
- Revised plans 26/09/2022 – Readvertised for public comment by neighbour letter, site notice and press advertisement.
- Revised plans 18/09/2023, layout 02/11/2023, proposed land drainage plan 08/11/2023 – Readvertised for public comment (neighbour letter only).
- Revised house type plans and elevations 18/12/2023, layout and sections 03/01/2024. These were not actively re-publicised since the changes were not considered to raise new planning issues that would require the opportunity for public comment.
- 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 re-advertised 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: Site plan with amended house types. It was not considered necessary to re-advertise since the changes did not change the layout or scale of the development as a whole and partially addressed concerns raised by officers and in representations.

5.3 The original proposal was for 38 units. Based on the reduction in the quantum of development (to allow for the retention and protection of mature trees and to ensure that servicing arrangements would work) and other amendments, officers are 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 Most of the application site covers Housing Allocation HS28 – land to the south-east of Knowle Road, Kirkheaton. It also includes 0.8ha of Green Belt land.

6.3 Site allocation HS28 identifies the following constraints relevant to the site:

- Site affected by hazardous installations - Syngenta Ltd
- Part/all of the site is within a High-Risk Coal Referral Area

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP4** – Providing infrastructure
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **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 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. This includes Policies of the more recently adopted Housebuilders Design Guide SPD.

7.0 PUBLIC/LOCAL RESPONSE

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].

7.2 The end date for the final period of publicity was 01/12/2023. Across the three public representation periods a total of 46 public representations were received. The following is a summary of the comments received:

Traffic and road safety issues

- Increase in traffic which the local roads are not able to cope with, with more dangers for pedestrians. Cockley Hill Road is steep with limited visibility, also affected by parked cars.

- The volume and speed of traffic on Cockley Hill Lane especially when there is a low sun at the brow of Cockley Hill opposite No 78A would make it almost impossible to make a right hand turn into the two proposed entrances off Cockley Hill into the propose site, without considerable risk.
- There will also be the impact of construction vehicles many of which will be huge wagons delivering materials to the site. This will be a very dangerous time for the residents and people using Cockley Hill Lane, with large vehicles pulling in and out on to Cockley Hill, trying to pass the parked cars, as many residents park their vehicles on the road side and of course the construction vehicles will definitely transfer mud on to Cockley Hill which will cause the road to become very slippery and dangerous.
- Will there be enough parking or access for large vehicles?
- Impact to safety and traffic- what consideration is being made to the local equestrian community? More vehicles = higher risk, especially as Kirklees are unwilling to adequately maintain the limited bridleways we have.
- Residential Travel Plan is unrealistic as it does not sufficiently take account of the steep hills which provide a disincentive to cyclists and the limited public transport, and overestimates the uptake of car-sharing.
- There is a footpath through the site and no provision has been made for this.
- Limited connectivity for pedestrians and other non-motorists.
- If you wish to proceed I would suggest that some form of chicane is built, not speed bumps, to slow the traffic down but consideration should also be given to the residents of Cockley Hill Lane who have to park on the road which makes the area even more dangerous from speeding traffic.

Visual and residential amenity

- Impact on local character and landscape.
- House style not in keeping with locality.
- Impact on privacy and outlook, overbearing impact.
- The retaining walls indicated along the access to 60 Cockley Hill Lane will be of a significant height and would subsequently have a significant adverse impact on the amenity on both 60 & 76 Cockley Hill Lane (09/09/2021).
- If allowed it should be natural stone, not artificial stone or other materials.

Other issues

- It may make land drainage problems worse.
- Impact on local infrastructure such as doctors' surgery and dentist.
- Impact on schools.
- Loss of wildlife habitat including for bats, owls, newts and deer.
- Loss of open land available for public recreation (the retention of footpaths does not sufficiently compensate).
- Loss of mature trees.
- These will be sequestering in the order of 2 tonnes of carbon a year and their destruction will release in the order of 12 tonnes of carbon from the trunk, upper branches, roots and surrounding mycorrhizae. Permitting this is contrary to the declared climate emergency and Kirklees's carbon reduction targets.

- Loss of hedgerows which would provide a visual buffer and noise attenuation.
- The area of marshland which will be destroyed by the development has been highlighted by the ecologists who carried out the survey of the first Cockley Hill site as sensitive and should be protected.
- Part of the site is green belt – even if only the attenuation pond, it will still have an impact owing to engineering works.
- Planning permission has been sought in the past for this land and has previously been refused due to issues over access.
- Nearby brownfield sites should be built on instead.
- All the reasons given for refusal in Application 87/60/00192/B1 and the Department of the Environment. Appeal T/APP/J4715/A/87/076370/P5 stand today even more so, due to the increase volume in traffic, environmental issues, and flash flooding due to climate change.
- Reading the notes from 2014 when initial planning was granted, there seems to be a number of details being swept under the carpet, ie recommendation that all buildings driveways and roads be drilled and grouted for surface stability, marshy area to be retained and a pond developed to encourage wildlife such as the Great Crested Newt, houses would be too close to some of the trees risking injury from falling debris, light splay into trees disturbing Bat roosts. One 1.3metre deep bore hole doesn't seem adequate to establish the suitability of the ground to build on in the marshy area.
- If housing is allowed it should not have gas installed but instead ground source heat pumps and solar panels - it could offer a great opportunity for a visionary scheme offering local generation of energy for local need.
- HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

7.3 Kirkburton Parish Council:

- The Parish Council strongly objects to this proposed development on highways safety grounds. There is currently a big drainage problem at this location with the volume of water being so heavy it resembles a stream running down Cockley Hill. In cold weather the road becomes iced over causing the obvious road safety hazards on a road which is busy, especially at peak times. The addition of 29 dwellings with the associated increase in vehicles to the area, would exacerbate the problem further.

7.4 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 bio-diversity 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

The Coal Authority – No objections.

Lead Local Flood Authority – Support subject to conditions.

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 – Support subject to condition.

KC Ecology – Support subject to condition.

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

KC Education – No objection.

KC Waste Strategy – Raised concerns about accessibility of bin stores and adequacy of collection areas (18/05/2021).

KC Strategic Housing – Support in principle subject to delivery of affordable housing. Three homes should be affordable or social rent, two homes should be First Homes and one home should be other intermediate allocation.

West Yorkshire Police Designing Out Crime Officer – No objection.

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 relevant to an application, where applicable, will be set out in the officers’ assessment.
- 10.4 The development now proposed is intended to be the second of two phases of a housing development that would encompass housing allocations HS26 and HS28. The application site for development now being considered does not benefit from an extant outline permission. Most of it does, however, lie within housing allocation HS28 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Residential development is therefore considered acceptable in principle here.

Appropriateness within Green Belt

- 10.5 The NPPF Chapter 9, paragraph 154, states that the construction of new buildings is inappropriate within the Green Belt. In the following paragraph it states that “engineering operations” and “material changes in the use of land” are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.6 That part of the application site falling within the Green Belt would not be used for building houses or associated access roads. It would be used principally for the formation of an attenuation basin for surface water drainage.
- 10.7 Whilst this operation would change the character of this part of the site owing to the re-grading works required, it would not involve the laying out of large areas of hardstanding. The resulting development would have a more engineered and artificial appearance than the existing pasture land but it is considered that it would not appear as a strident or jarring feature in the surrounding open countryside, and its appearance would be softened by the proposed tree planting.
- 10.8 It is considered likely that this aspect of the development proposal would have a small negative impact on the openness of the Green Belt. This would make it “inappropriate development” which, according to paragraphs 152-153, should not be approved except in “very special circumstances”, that is, if it can be shown that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.9 In this instance it is considered that the harm to the openness of the Green Belt would be slight, and that the development would not undermine the purposes of the Green Belt as set out in NPPF paragraph 143. Furthermore, the part of the development that lies within the Green Belt would be crucial to the delivery of a housing proposal in that it would provide a safe and sustainable means of surface water disposal for both Phases 1 and 2. In view of the current under-supply of housing land as highlighted elsewhere in the officer’s report, considerable weight must be placed on this factor.
- 10.10 It is considered therefore that the above test is passed, in that the minor harm to the openness of the Green Belt would be clearly outweighed by other considerations. Of note, the council has previously accepted certain drainage infrastructure proposals within the Green Belt where they supported adjacent residential development on allocated sites (for example, at the Bradley Villa Farm site, ref: 2021/92086).

Minerals

- 10.11 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

- 10.12 The site layout proposed however provides for full connectivity by means of vehicular routes with the neighbouring allocation HS26 to the north. The PROW that crosses the site would be retained along its existing course and a landscaped corridor with an additional footpath would be formed linking the site, via a further landscaped area forming part of reserved matters application 2021/91506, with Shop Lane. It is considered that the development therefore upholds the aims of the relevant part of Local Plan policy LP5.

Quantum of development

- 10.13 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 HS28 is assigned an indicative capacity of 70 dwellings. The “indicative capacity” set out in a housing allocation is guidance, and in practice a lower or higher density may be appropriate, having regard to the aims of good design as well as practical constraints on the site.
- 10.14 The site area is approximately 1.99ha. Once the access roads are accounted for, the net area of the site would be 0.78ha, resulting in a net density of 37 per hectare. This is slightly above the density of 35 per hectare that is generally recommended, but the number of houses delivered would be significantly below the site’s indicative capacity. There are constraints on achieving a higher density, including the need for retaining walls, the protection of trees, the safety of users of the PROW within the site, and the need for a suitably gentle transition between built development and open land. These factors will be considered further where relevant within this report. It is considered that the proposed quantum and density of development is therefore the optimum for this site.

Housing mix and affordable housing

- 10.15 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 council’s 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, and 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
 - 3-bed: 15
 - 4-bed: 6
- 10.16 The latest modifications to the plans have increased the number of 2-bed units relative to the proposed 3-bed units. The provision of 2-bed houses for Phase 2, viewed in isolation is still below the 30% target, reaching 27.6%.
- 10.17 The proposed Phase 1 provision is 8x 2-bed, 34x 3-bed and 12x 4-bed units. For the entire 83-unit scheme the breakdown of housing by type would therefore be:
- 2-bed: 16 (19.2%)
 - 3-bed: 49 (59.0%)
 - 4-bed: 18 (21.7%)

- 10.18 The provision of 2-bed homes across both phases would therefore fall below the 30% lower limit set out in the SPD. 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) does, however, contain a greater proportion of 2-bed houses. Once these are added, the provision of 2-bed houses across all three sites is 33 out of 124 or 26.6%. This still falls below the recommended lower threshold of 30%. Considering the challenges in developing the Cockley Hill Lane site, including the required earthworks and retaining structures, as well as the 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.
- 10.19 Six affordable units are shown to be provided as part of Phase 2 (type C2 and type R) which are shown to be distributed among open market housing. This would amount to 20.6% of units within this application site. With a further 11 within the proposed Phase 1 (already secured by a Section 106 Agreement) this would amount to 20.4% within the scheme as a whole.
- 10.20 The proposed development would ensure delivery of two units within this Phase 2 (and a further two within the proposed Phase 1) meeting Lifetimes Homes standards, a set of 16 design principles that are intended to make homes more accessible and adaptable, especially for people with long-term illnesses or those experiencing reduced mobility in later life. 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.
- 10.21 Weighing Local Plan policies LP7, LP11 and Principle 4 of the Housebuilder Design Guide's requirements against the constraints and relevant planning history, officers do not have concerns regarding 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 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

- 10.22 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.
- 10.23 The site is within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement. The proposed access point from Cockley Hill Lane (which forms part of phase 1, application 2021/91506) 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 aforementioned 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.

- 10.24 The promotion of carbon reduction and climate change resilience should be achieved as an integral part of the new build for all full and outline housing applications. This may include, but not be limited to, energy efficiency measures in excess of those mandated by the Building Regulations, and micro-generation technology such as solar panels and heat pumps, and can be secured by condition. A scheme of electric vehicle charging points, in order to promote the use of low-impact means of transport, can also be secured by condition. Other factors will be considered where relevant within this assessment.
- 10.25 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.

Urban design

- 10.26 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.
- 10.27 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.
- 10.28 The site in its present state makes a modest positive contribution to the amenity of the area. The allocation of the majority of the site for housing establishes the principle of residential development and associated infrastructure, at least on that part of the site that is thus allocated.

- 10.29 The proposed development would form a continuation of the larger residential development (54 units) proposed under application 2021/91507, which is intended to be Phase 1 of the project. The present application site would, however, lie further away from established high-density development close to the southern and eastern edges of Kirkheaton. The adjacent open countryside, and the low-density residential development and landscaping to the west and southeast (8-10 Knowle Road and 60 Cockley Hill Lane) are more important in establishing the setting. The proposed development would, if both phases were implemented, be seen as a continuation of the larger development on the site to the north (Phase 1).
- 10.30 It is considered that the proposed layout would represent a rational response to the site's context, and responds positively to the need to ensure an appropriate transition to open land. The proposal avoids the disadvantages of a very low net density similar to 8-10 Knowle Road, which would not be an efficient use of the land, and an excessively high net density which would mean an abrupt change from built development to open land and would create the appearance of a hard edge to the settlement.
- 10.31 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.
- 10.32 The road layout is considered a rational way of maximising the development potential of the site, taking account of the variation in levels. It is noted that the development would incorporate a very high retaining wall separating the higher and lower plots (17-22, 13-16) which would be up to 8m in height. This would, however, form the division between neighbouring back gardens, and not between residential plots and the street scene. High retaining walls are not a feature that is typical of Kirkheaton. However, the proposed wall, having an approximate north-south orientation, would not be unduly prominent when viewed from the fields to the south (including from the PROW 8/40 and 8/20). Furthermore, there would be a landscape buffer separating it from the Green Belt land and PROW 8/40 consisting of banking with mature trees, which would be retained in its present state. The proposed design solution is considered to be preferable than the alternative of having a retaining structure between residential curtilages and the estate road, and the option of breaking the structure down into smaller retaining walls separated by terraces would reduce the amount of space available to build and thereby result in the site not being efficiently used.
- 10.33 The proposed dwellings could be described as "modern traditional" in appearance. They would not closely mimic the local vernacular but would at least reference it, having typically a simple built form, symmetrical double pitched roofs, 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 to be 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.

- 10.34 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.
- 10.35 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

- 10.36 Policy LP33 of the Kirklees Local Plan establishes a principle against the loss of trees of significant amenity value, with further guidance provided by Principle 7 of the HDG SPD. There is a belt of mature trees on the northwestern margin of the site benefiting from an area Tree Preservation Order. An Arboricultural Survey has been submitted with the application. Almost all trees within the application site would be retained, with only a single tree scheduled for removal.
- 10.37 An Arboricultural Impact Assessment and Method Statement (AIA and AMS) have been submitted. Whilst these are generally satisfactory, the drainage plans appear to be showing new structures crossing/entering the RPAs of the retained trees and it is not clear that these have been taken into account in preparing the AMS, which also fails to include a schedule for arboricultural monitoring at the site while the construction is underway. KC Trees have confirmed that there is no objection to the proposal subject to a pre-commencement condition for the agreement of a finalised/detailed AMS based on the submitted AMS (16892-B/AJB) and the approved plan list.
- 10.38 It is noted that in addition to preserving the belt of trees near the southeastern boundary and the triangle of land near Cockley Hill Lane in their existing semi-natural state, the development would provide formally laid out public open space including a play area within the southwestern part of the site, which contains a walkable route providing a link with other public open space forming part of the approved scheme for land off Shop Lane, application 2021/91506. It is therefore considered that the proposed development would maximise the quality and usability of new public open space provided as part of the application, and that by providing increased opportunities for outdoor recreation it would support the aims of Local Plan policy LP47 (Healthy, active and safe lifestyles) as well as Principles 10 and 11 of the HDG SPD.
- 10.39 The standard requirement for Public Open Space generated by this proposal (calculated taking a masterplanning approach to both phases of the development, represented by applications 2021/91506, 2021/91507 and the present application) would not be fully met by the proposed on-site provision, and it is recommended the shortfall is addressed via an off-site contribution (considered further in paragraphs 10.83 and 10.84).

Residential Amenity

- 10.40 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.

- 10.41 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

- 10.42 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.
- 10.43 It is considered that the proposed earthworks including the raising up of parts of the development above existing ground levels would not have an overbearing impact upon any existing residential properties. To the south and east of the site, the retained tree belts would provide a buffer between the developable part of the site and 74 and 60 Cockley Hill Lane.
- 10.44 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 dwellings.

Residential amenity for occupants of new dwellings

- 10.45 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. All of the proposed new dwellings would provide an internal floorspace equal to or above that deemed appropriate for a dwelling of that type, according to the Nationally Described Space Standards.
- 10.46 Floor space for each house type is 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, m ²)	NDSS (GIA, m ²)
C2+	2	2	80	70
E	4	1	146	97
F	3	10	86	84
G	4	3	109	97
J	3	2	126	90
Q	3	4	112	84
R	3	6	89	84
S	3	1	97	84

- 10.47 Garden depth and size varies throughout the proposed development. It is noted that a few dwellings, such as unit 23, would have gardens that are particularly short, being only 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 private amenity space is judged to be useable, of sufficient size and high quality.

- 10.48 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. It is noted that plots 13-16 would have their rear or eastern outlook affected by the high retaining wall separating them from the higher plots. This would certainly limit their ability to receive direct sunlight, especially in the winter. However, the distance between the respective rear elevation of each dwelling and the retaining wall, at a minimum of 12.5m, is considered sufficient to avoid an oppressive impact on these dwellings.
- 10.49 The boundaries separating residential gardens from each other, and the rear boundaries where they form the edges of the site, would be marked by 1.8m timber screen fences. These are considered acceptable and in accordance with Principle 5 of the HDG SPD, and can be the subject of a prescriptive condition.

Environmental and amenity impacts during construction

- 10.50 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

- 10.51 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 policy LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

Highway and transportation issues

- 10.52 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.

Traffic generation, access and impact on highway network

- 10.53 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.

- 10.54 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.
- 10.55 The Transport Assessment predicts 62 and 55 two-way movements, at morning and evening peak respectively, to arise from a development of 84 dwellings. KC Highways Development Management considers these trip rates to be acceptable in this respect utilising a priority give way arrangement as proposed. Suitable visibility has also been demonstrated. No further concerns are raised regarding this from a highways perspective.

Internal layout and parking

- 10.56 The proposed 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 changes to ensure 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.
- 10.57 The development provides sufficient off-street parking for each type of dwelling in accordance with the SPD and the provision of visitor parking at a ratio of one space per four dwellings (for Phase 1 and 2 combined) is also provided and considered acceptable.
- 10.58 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

- 10.59 A framework Travel Plan has been submitted for this application. KC Highways Development Management have assessed the application and have concluded that conditional approval can be given subject to a Full Travel Plan (to be secured by condition) being submitted and 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. Each property is, however, shown to have its own cycle store, of which specifications should be conditioned. It would thereby comply with the aims of Local Plan policy LP20.

Construction management

- 10.60 Given the scale and nature of the development officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate

measures from the start of works. KC Highways Development Management have also advised that a 'highway condition survey' be undertaken, 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

- 10.61 In summary, officers are satisfied that, subject to 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 Highway Design Guide SPD.
- 10.62 The following conditions have been recommended by KC Highways Development Management:
- Visibility splays to be provided.
 - Details of junction of new estate road with Cockley Hill Lane.
 - Full travel plan to be submitted.
 - Scheme of internal adoptable estate roads.
 - Details of storage bin presentation points and access for waste collection.
 - Details of temporary waste collection arrangements.
 - Cross-sectional information, design and construction details for new retaining walls.
 - Cross-sectional information, design and construction details for surface water attenuation infrastructure within the proposed highway footprint.
 - Defects survey pre-and post-development, with a scheme to remedy any subsequent defects.
- 10.63 It is considered that the above conditions are reasonable and necessary to ensure the safety and convenience both of future residents and existing highway users, save that bin storage and presentation points are already shown so the only aspect that needs further details is the design of the bin enclosures.

Drainage and flood risk

- 10.64 The site is deemed to lie within Flood Zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding, and therefore low risk) 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.

- 10.65 The drainage scheme design now being considered has been devised through a long period of negotiation between the developer and Kirklees officers including the Lead Local Flood Authority officer.
- 10.66 One feature of the site that has been noted is the presence of an existing drainage outfall from 36-38 Cockley Hill Lane which discharges onto the site which is forced to act as an informal soakaway. This, it is believed, is the main source of the marshy conditions on the lower part of the site, southeast 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 would then discharge to a culverted watercourse west of Shop Lane.
- 10.67 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 would be considerably reduced, compared to the situation when the site largely consisted of buildings and impermeable surfaces.
- 10.68 Returning to the present application, the new drainage infrastructure would 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 certainly not increase.
- 10.69 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.
- 10.70 The Lead Local Flood Authority is now satisfied with the overall drainage strategy and layout and recommends approval subject to the following matters being conditioned: (i) detailed drainage design; (ii) flow routing plans with assessment of the effects of 1 in 100 year storm events; and (iii) temporary drainage plan during construction. Although not highlighted in the LLFA's final consultation response, 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.
- 10.71 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.
- 10.72 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via a Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of Local Plan policies LP28 and LP29 and Chapter 14 of the NPPF.

Ecological issues

- 10.73 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 would seek 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.
- 10.74 A Preliminary Ecological Appraisal (PEA) report dated July 2023 was submitted. This found that the habitats within the site comprised modified grassland, other neutral grassland, and broadleaved woodland, with hedgerows on some of the site boundaries. It found the habitat might have some value for amphibians, although features that would be likely to serve as breeding sites were absent, and that the chance of Great Crested Newts being present was found to be low. Suitable foraging and commuting habitats for bats were found, but no further bat surveys were deemed necessary as trees and other features of importance would be retained. The PEA assumed hedgehogs to be present, and whilst the site may have some value to common farmland and urban fringe bird species, it was assessed as unlikely to be suitable for ground nesting birds since they would be disturbed by local residents exercising their dogs. The PEA recommended that as much of the existing vegetation should be retained as possible, especially trees and hedgerows.
- 10.75 The Biodiversity Net Gain Assessment, submitted at the same time as the PEA, identifies an overall Net Gain of 0.98 Habitat Units (+10.04%) and 0.47 Hedgerow Units (+14.36%). The prescriptions laid out on page 10 of the submitted BNG report lay out how the above net gain is to be achieved at the site. The habitat and hedgerow units that are to be achieved at the site would be secured through an appropriately worded planning condition for a Biodiversity Enhancement Management Plan. Overall, the development provides an opportunity to enhance habitats of increased value, such as the woodland in the southern section of the site.
- 10.76 This is evidenced through the submitted information related to biodiversity net gain, which achieves a 10% biodiversity net gain at the site. This means that a legal agreement to secure BNG off site will not be required in this instance.
- 10.77 It is therefore considered that subject to the submission (at conditions stage) of a Biodiversity Enhancement and Management Plan (BEMP), and a Construction Environmental Management Plan (Biodiversity) to prevent harm to wildlife during construction, the development would comply with the aims of policy LP30 of the Kirklees Local Plan and guidance of Principle 9 of the HDG SPD.

Planning obligations

- 10.78 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. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.79 Policy LP11 of the Local Plan requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. On-site provision (housing) is preferred, however where the council considers it appropriate, a financial contribution to be paid in lieu of on-site provision may be acceptable.
- 10.80 For this site, a 20% contribution of 29 units would be six units (rounded). This has been offered by the applicant. These would comprise 2x 2-bed and 4x 3-bed units. Part 5 of the council's 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 2-bed, 0-19% 3-bed, and 20-39% 4-bed units.
- 10.81 The proposed provision does not accord with this, offering instead a 33-67% split in favour of 3-bed houses for this site. KC Strategic Housing were consulted however and raise no concerns about the mix, which, it should be noted, is similar to that offered (and approved) at outline stage for the larger phase 1. Officers accept that whilst not according with recommended balance in part 5 of the SPD, the proposal would make a satisfactory contribution to meeting the demand for affordable housing in the area.
- 10.82 A Section 106 agreement is proposed, to include a clause requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of policy LP11 of the Local Plan.

Public Open Space (POS)

- 10.83 In accordance with policy LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.84 KC Landscape team have confirmed that following detailed assessment of the documents and plans submitted for the two phases of the Cockley Hill Lane scheme and Shop Lane scheme, including the previous Section 106 agreements and financial obligations on the 2014 outline applications, the anticipated off-site contribution due for Cockley Phase 2 would be £23,352.64. This POS calculation is as per Local Plan policy LP63 and takes account of the POS areas shown on the submitted POS plan. It also takes account of the existing Section 106 contributions, which have been assumed to be paid as per the original terms. The contribution of £23,352.64 is recommended to be secured within the Section 106 agreement and would be spent within the local area. It is also recommended that conditions be imposed requiring (i) details of all hard and soft landscaping and (ii) a management and maintenance plan for public open space. This is considered appropriate to ensure compliance with policy LP63 of the Kirklees Local Plan.

Education

- 10.85 Applications proposing over 25 dwellings (of 2-beds or larger) normally trigger a requirement for education contributions.

- 10.86 The contribution is determined in accordance with the council's policy and guidance note on providing for education needs generated by new housing. Contributions are only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.87 KC Education have considered local primary provision (at Kirkheaton Primary School) and secondary provision (at King James's School). In the latter case this includes the additional permanent capacity added in 2022/23. They have found that there is spare capacity in both schools and that no additional places would be required to accommodate the children of the proposed development. It is therefore recommended to not seek a contribution towards education provision in respect of this application.

Management and Maintenance

- 10.88 It is recommended that the Section 106 agreement include terms for the provision of long-term maintenance and management of the surface water drainage features in addition to the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets in perpetuity, or in the case of drainage infrastructure, until they are adopted by a statutory undertaker.

Other Matters

Air quality

- 10.89 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.

Contamination and land stability issues

- 10.90 KC Environmental Health have reviewed this application and have observed that the site has been identified as potentially contaminated land due to its proximity to quarries (Sites 149/150/10). A Phase 1 contamination report has not been submitted with this application, however it is considered that the risk of contamination can be adequately addressed by the imposition of standard contaminated land conditions requiring a Phase 1 report (desk study), intrusive report where recommended by the desk study and Remediation Strategy where appropriate. The reports should include investigation of the possible presence of mine gas.
- 10.91 A large part of the site lies within a Coal Referral Area. The submitted Geotechnical Report / Intrusive Coal Mining Risk Assessment by ARP finds that there is no risk to ground stability for future development on site from any underground mine workings. It acknowledges there is a slight possibility of localised opencast coal excavations or bell pits on a small area in the south of the site, south of the fault, and mine entries generally on the site, east of the coal outcrop. It recommends that following the topsoil and made ground strip prior to development works, an Engineer should inspect the ground surface to the east of the conjectured outcrop, to check for any signs of such features.

10.92 The Coal Authority expressed no objection to the development and did not recommend any conditions, but advised the applicant that careful consideration will need to be given to the foundations for new development and the implications of any drainage works for ground stability. Paragraph 180(e) and 189(a) of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. Paragraph 190, however, states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It is considered that – placing due weight on the Coal Authority’s comments – further coal mining reports will not be required as part of the planning process, and any remaining issues on site arising from coal mining legacy can be addressed by the developer.

10.93 Subject to the above conditions, the development would ensure that future residents are protected from risks arising from contamination and land instability and that the development would comply with the aims of Kirklees Local Plan policies LP52 and LP53.

Health and safety issues

10.94 One corner of the site – an area of about 1,000sqm – lies within the middle zone of a hazardous installation, the Syngenta site. The Health and Safety Executive (HSE) were not consulted since under the layout now being considered this area is proposed to be public open space and no dwelling would be built within it.

Crime mitigation

10.95 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24(e).

Representations

10.96 A total of 46 representations have been received (not including those received from the Parish Council or from Ward Members). Most matters raised have been addressed within this committee report. The following are matters not previously directly addressed:

Traffic and road safety issues

- Residential Travel Plan is unrealistic as it does not sufficiently take account of the steep hills which provide a disincentive to cyclists and the limited public transport, and overestimates the uptake of car-sharing.

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.

- 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).*

- 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: *This comment appears to relate to the Coal Mining Investigation Report by ARP Geotechnical that accompanied application 2014/91831. This covered only the area within Phase 1. The report anticipated that on some parts of the site, including areas lying adjacent to the present application site (Phase 2), roads and drives will require treatment on a 3m by 3m grid, using drill and grout techniques. The more recent (July 2021) report accompanying the present application does not specify this remediation measure as being necessary for the current site. The Coal Authority, however, accept the current application can be determined without further work being undertaken pre-determination. KC Environmental Health have assessed the proposal and recommend the imposition of the standard conditions on potentially contaminated land. The Phase 1 and subsequent reports will assess any contamination risk on site and whether the ground needs to be remediated before building takes place.*

- 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.*

- Impact on local infrastructure such as doctors' surgery and dentist.
Response: *There is no provision within planning law or policy for developer contribution to healthcare or dental facilities, or that decision-makers should take these factors into account before reaching a decision. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.*
- Impact on schools.
Response: *Education contributions need not be sought in relation to this application.*
- All the reasons given for refusal in Application 87/60/00192/B1 and the Department of the Environment. Appeal T/APP/J4715/A/87/076370/P5 stand today even more so, due to the increase volume in traffic, environmental issues, and flash flooding due to climate change.
Response: *A decision from 1987 can be afforded no substantial weight since there have been many changes to the policy context (and to other material planning considerations) since that time at both national and local levels.*
- If housing is allowed it should not have gas installed but instead ground source heat pumps and solar panels - it could offer a great opportunity for a visionary scheme offering local generation of energy for local need.
Response: *Following the approach that has been taken on other housing applications in recent years, details of measures to reduce carbon emissions associated with the development can be conditioned.*

10.96 Kirkburton Parish Council comments:

The Parish Council strongly objects to this proposed development on highways safety grounds. There is currently a big drainage problem at this location with the volume of water being so heavy it resembles a stream running down Cockley Hill. In cold weather the road becomes iced over causing the obvious road safety hazards on a road which is busy, especially at peak times. The addition of 29 dwellings with the associated increase in vehicles to the area, would exacerbate the problem further.

Response: *Site drainage and highway safety have been examined in the appropriate sections of this report. The specific drainage problem identified appears to relate to the existing drainage infrastructure within Cockley Hill Lane. The principle of a new access to Cockley Hill Lane has already been established and Highways Development Management are satisfied that subject to conditions, the highway network is able to safely take on the traffic generated. Refusal of permission based on this factor would therefore not be possible to justify.*

10.97 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. 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 residential development on a housing allocation. While the proposal does fall 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 to be a logical response to the site's constraints. A higher quantum of development would probably be difficult to achieve whilst delivering a layout that would function well, retain most of the mature trees on site and provide a gentle transition to open land. The proposal would achieve an appropriate mixture of housing types and would deliver affordable housing that is acceptable in terms of number and quality and in accordance with current policy. Accordingly, the principle of development is 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 The proposal would not be harmful in relation to material planning considerations. Furthermore, it would provide an enhancement in relation to local affordable housing (providing six affordable units) and open space (with significant on-site Public Open Space and £23,352 off-site contributions to enhance local facilities, in line with policy), in addition to sustainable transport contributions.
- 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 conditions and planning obligations to be secured via a 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) Three years to commence development.
- 2) Development to be carried out in accordance with the approved plans and specifications.
- 3) Materials.
- 4) Phase 1 contamination report.
- 5) Phase 2 contamination report if required.
- 6) Remediation strategy to be submitted if required.
- 7) Remediation to be carried out.
- 8) Contaminated land verification report (if applicable)
- 9) Detailed drainage design.
- 10) Flow routing plans with assessment of the effects of 1 in 100 year storm events.
- 11) Temporary drainage plan during construction.
- 12) Detailed landscaping scheme.
- 13) Landscaping management plan.
- 14) Biodiversity enhancement and management plan.
- 15) Visibility splays to be provided.
- 16) Details of junction of new estate road with Cockley Hill Lane.
- 17) Full travel plan to be submitted.

- 18) Scheme of internal adoptable estate roads.
- 19) Details of temporary waste collection arrangements.
- 20) Cross-sectional information, design and construction details for new retaining walls.
- 21) Cross-sectional information, design and construction details for surface water attenuation infrastructure within the proposed highway footprint.
- 22) Defects survey pre-and post-development, with a scheme to remedy any subsequent defects.
- 23) EV Charge Points scheme.
- 24) Details of other climate change mitigation measures.
- 25) Details of cycle storage.
- 26) Details of design of bin enclosures.
- 27) Construction Environmental Management Plan (biodiversity).
- 28) Implementation 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%2f92527>

Certificate of Ownership

Certificate A signed.

Link to planning application details for Phase 1:

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