
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Aug-2024

Subject: Planning Application 2023/93704 Erection of 10 dwellings and associated works land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB

APPLICANT

Oliver Bottomley,
Yorkshire Country
Properties

DATE VALID

20-Dec-2023

TARGET DATE

20-Mar-2024

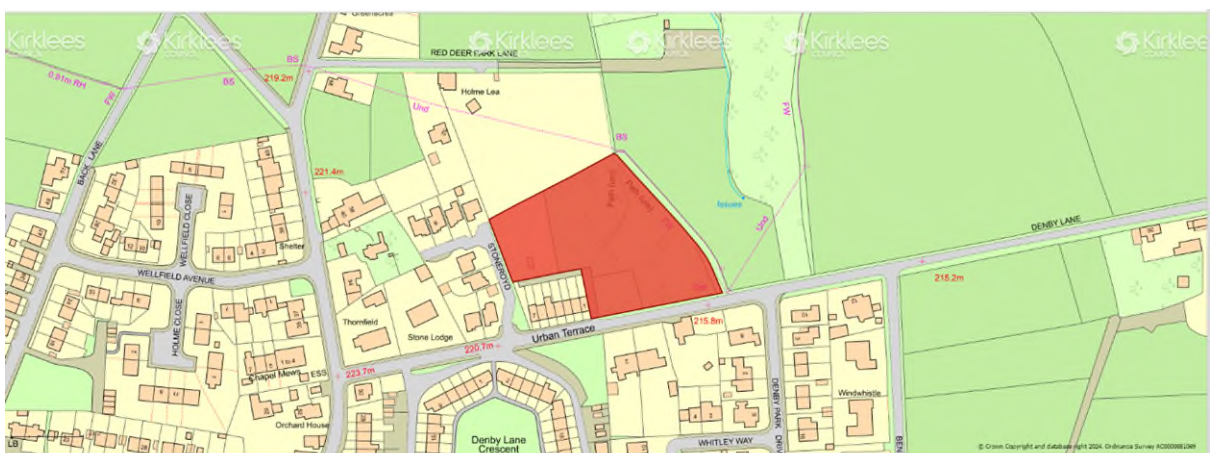
EXTENSION EXPIRY DATE

15-Jul-2024

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE permission for the following reasons:

1) The quantum of development proposed, at 10 units, fails to optimise the development potential of the site and fails to achieve efficient use of land, contrary to Policy LP7 of the Kirklees Local Plan and paragraphs 128, 129 and 135(e) of the National Planning Policy Framework.

2) The design and layout of the proposed estate road does not meet adoptable standards and would therefore not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable. It has also not been demonstrated that the gating of the estate road beyond the first turning head would provide suitable access for emergency service vehicles. The development would therefore fail to allow the convenient collection of waste as required by Policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought before committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor John Taylor. Cllr Taylor's grounds for requesting a committee decision are as follows:

The proposed scheme has received community support and the developer has been exemplary in consulting with the wider community as required and has taken on board local views about the design of the location.

The scheme will deliver a majority of 2 bed small bungalows, a type which is in high demand as evidenced by the Councils own Housing Need Assessment and also supported by the 3 Place Standard initiatives which I have conducted in the Kirkburton ward.

The proposed scheme is in keeping with the surrounding area, which is of lower density buildings and the alternate proposal would fly in the face of all of the work which has been undertaken with the local community and of course would appear completely out of character for the local area.

It would be inappropriate to throw away all of the good engagement work and sacrifice a couple of much needed bungalows just to squeeze in another two properties of a type which elsewhere in my ward it is proving more difficult to sell.

1.2 The Chair of the Strategic Planning Committee has confirmed that Cllr Taylor's request is valid.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an irregularly shaped piece of land situated on the northeastern edge of the settlement of Grange Moor. It is located on the northern side of Denby Road. At its southwestern corner it abuts a short row of terraced houses and their curtilages known as Urban Terrace, and at the western extent of the site the boundary is formed by Stoney Royd, a small modern housing development built as a cul-de-sac off Denby Road. Stone Royd and Urban Terrace form a clearly-defined edge to the village. To the north and east lies further undeveloped open land, mostly pasture but with scattered trees to the north and a belt of trees further east. A public footpath runs adjacent to the eastern boundary.

2.2 The site consists mainly of rough grass and scrub with a few small trees. It has, at present, no formal means of access to the public highway. The site is near-level, but is somewhat elevated compared to the land that lies beyond the eastern boundary (which forms a separate housing allocation).

3.0 PROPOSAL:

3.1 This is an application for full planning permission for the erection of 10 dwelling houses, and associated works.

3.2 A new access to the adopted highway would be created near the eastern end of the frontage, the access road curving inwards to the west, with a spur extending eastward to the site boundary.

3.3 The proposed dwellings would be:

- 2x A-type, 2-bed
- 3x C-type, 3-bed (but with a 4-bed option)
- 3 x F-type, 2-bed
- 2 x G-type, 3-bed

3.4 Dwelling type 'C', which would occupy three plots in the north and northwestern part of the site, would be detached, part single-storey part 2-storey, but with the upper floor accommodation largely within the roof space. Type 'G' would be in the form of a pair of handed semi-detached houses which would be 2-storey dormer bungalows. Types 'A' and 'F' would all be detached and would be true bungalows.

3.5 It is proposed that the palette of materials would consist of render, tumbled-effect artificial stone and concrete interlocking roof tiles.

3.6 Three dwellings would be placed facing directly on to the street frontage, two to the west of the new access, one to the east. The remaining seven would be placed along the new access road. Each dwelling would be provided with two parking spaces and the arrangement would also incorporate two parking bays for visitors. Three areas of public open space would be provided within the site. Two of these – one north of the first turning head, above the attenuation tank, the other in the centre of the site, to the east of the second turning head – are shown as being landscaped with trees and hedgerows. The third would comprise a smaller, semi-circular area to the front of plot 4 and its means of landscaping and enclosure have not been shown.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site: none.

4.2 Adjacent site:

2021/94747: Land north of Denby Lane, Grange Moor – erection of 18 dwellings and associated works. Withdrawn.

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

5.1 15/02/2024: Transport statement submitted.

12/03/2024: Further supporting statement submitted regarding density and housing mix.

Applicant was advised that a slightly higher density (12 units) would be preferred and that 10 units might be deemed an inefficient use of the land. Meeting took place 22/04/2024. The applicant was also advised that servicing arrangements were not satisfactory.

24/05/2024: Additional CMRA and soil sampling reports submitted.

21/06/2024: Amended site plan submitted.

15/07, 24/07/2024: Further minor changes to site plan to show PROW correctly and change position of one unit slightly.

The above submissions were not subjected to further formal public consultation since the amendments and additional plans were not considered to raise substantial new planning issues.

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 is allocated for housing in the Local Plan (Local Plan ID: HS195, land to the northwest of Urban Terrace). It has a net area of 0.66ha and its indicative capacity is 22 dwellings.

The following constraints are identified in the site allocation:

- Public sewers cross the site
- Potentially contaminated land
- Part/all of the site is within a High-Risk Coal Referral Area
- Mine entrances present.

6.3 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 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 publicity period expired 01/03/2024. Publicity was undertaken by site notice and press advertisement in accordance with the requirements of the Development Management Procedure Order in addition to neighbour notification letter since the proposal constitutes Major Development and would affect a Public Right of Way or its setting.

7.2 12 representations were made, of which eight are in support, four comment.

Supporting comments:

- We do not want the number of units to be increased because this would be over-intensification and would be inappropriate in a small village with parking and traffic problems, limited infrastructure and facilities, and poor public transport.
- Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner.
- We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.
- The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.
- Bungalows will be more in keeping with local character – which is mostly low-density – than two-storey houses.
- Policy LP21 of the Local plan is in place to ensure new development allows safe and suitable access. With the council's proposal, we do not feel this is possible, especially because the neighbouring housing allocation will also need access from Denby Lane. We do not consider that maximising the number of driveways on Denby Lane is the safest option from a traffic perspective.
- The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.

7.4 Other comments:

- Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing.
- As the school is undersubscribed and the remote nature of the village means car ownership is vital, with bus services infrequent it is not an ideal area for the target demographic of bungalows.
- Public footpath must be maintained and have sufficient width.
- Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure.
- This land is in the local plan so we accept there will development on it, however living directly adjacent we ask that disruption and noise is kept to a minimum.
- I hope that the developers ensure that the mature trees and shrubs which border the area are retained in order to maintain the privacy of neighbouring properties and to maintain the character of the area.
- I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.
- The applicant shows a spur extending to the neighbouring land but these are two separate allocations, the landowner has not given consent for this means of access, nor has it been shown to be the only safe or practical means of access.
- The instability and contamination issues on site must be properly assessed before determination.

7.5 Kirkburton Parish Council – No response to date.

7.6 Ward Councillor comments – Cllr John Taylor commented as follows:

I would just like to add my voice to the objections to the proposed changes [increased number of units] to the plans for the above site. The proposal for 10 bungalows on this site is something which has strong community support and also meets with the feedback I have consistently got from the place standards initiatives which I have run in the ward (I have done 3 so far). I have two major concerns about what is being proposed, firstly the desire to have a number of properties facing onto Denby Lane with drives and offroad parking accessed from Denby Lane.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – Support subject to conditions.

Lead Local Flood Authority – Support in principle subject to revisions to flood storage arrangements.

8.2 Non-statutory:

Yorkshire Water – Support subject to conditions.

Forestry Commission – Comments made but do not formally object or support.

KC Strategic Housing – Do not have any specific comments on this proposal.

KC Landscape – No response received.

KC Highways – Object due to concerns about layout and refuse collection.

KC Public Rights of Way – Further details required before determination.

KC Environmental Health – No objection subject to condition.

KC Ecology – Off-site provision of Biodiversity Net Gain will be required.

KC Trees – No objections subject to condition.

West Yorkshire Police Designing Out Crime Officer – No objections subject to condition.

9.0 MAIN ISSUES

- Land use and principle of development
- Masterplanning
- Quantum and density
- Housing mix and affordable housing
- Sustainable development and climate change

- Urban design
- 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 will 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 will be approved without delay unless material considerations indicate otherwise.

Site 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 Full weight can be given to site allocation, which is for housing (ref: HS195). However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent 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. Coal extraction is furthermore likely to prove impracticable owing to the necessity of maintaining the requisite stand-off distance between such workings and established residential development.

Land use and principle of development summary

- 10.6 Given the above assessment, the principle of residential development at the application site is considered acceptable, subject to the further discussion of other relevant matters later in this report.

Masterplanning

- 10.7 The site is directly adjacent to a further housing allocation which borders it to the north and east (ref: HS58) with an indicative capacity of 42 dwellings. Under Local Plan policy LP5, masterplans should be sought “where feasible and appropriate”. For the adjacent (withdrawn) planning application 2021/94747, the applicant submitted an indicative masterplan covering all parts of the two allocated sites. This plan was intended to demonstrate that development of only part of the allocated land would not jeopardise future development of the other parts. No similar masterplan has been submitted for the application currently under consideration.
- 10.8 Notwithstanding the absence of a current, wider masterplan, it must be noted that the most important consideration relevant to masterplanning at this site is the need to ensure development here would not hinder the future development of the neighbouring allocation. Accordingly, the proposed layout includes an estate road spur which could (subject to the agreement of all parties involved) be used as a means of access to the larger adjacent housing allocation. Had approval of planning permission been recommended, conditions and/or Section 106 agreement provisions would have been appropriate, ensuring access through this spur would not be ransomed when the adjacent site is brought forward for development. It should be noted, however, that access via the spur has not been conclusively shown to be the only possible safe means of access to land within housing allocation HS58. It is also noted that no spur to the north (where units 6 and 7 are proposed) is proposed.

Quantum and density

- 10.9 As noted above, site allocation HS195 sets out an indicative housing capacity of 22 dwellings within the 0.66 hectares of allocated land.
- 10.10 To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its

surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met.

- 10.11 Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve. Any proposal at application sites capable of accommodating major development would be expected to make a significant contribution towards the quanta set out in the Local Plan.
- 10.12 The number of units that the applicant intends to provide is 10, which is under half the site's indicative capacity, and would amount to a net density of only 19 units per hectare. This does not compare well with the 35 units per hectare which should normally be aimed for.
- 10.13 The developer has however submitted a "simulation" – for illustrative purposes and not to be assessed – showing a possible alternative layout increasing the quantum of development to 12 by placing a further two units on the Denby Lane frontage.
- 10.14 It is accepted that constraints applicable to this site have a significant bearing on what development can be achieved here. The submitted Design and Access Statement highlights the following technical constraints: public sewers crossing the site which require an easement; potentially contaminated land; and the site being located within a Coal Referral Area with three identified mine entrances on the site. It is acknowledged that the mine entrances or shafts can present challenges to development. This is the rationale behind the applicant proposing to designate these areas as public open space. However, land contamination and other historic uses (the backfilled quarry and sewage tanks), whilst posing an additional challenge and abnormal cost to the developer, do not render the remaining parts of the site unfit to receive development (see the "land stability and contamination" section below). Whilst the physical constraints on the site are likely to pose an insurmountable obstacle to developing the site for 22 units, they do not indicate that a quantum of more than 10 is unachievable.
- 10.15 Officers are also mindful of the need to deliver a form of development that respects local character that conserves the amenities of both existing and future occupants, and does not compromise the development potential of the adjacent housing allocation as a result of overlooking at close quarters. All of these factors are to be examined in detail in subsequent sections of the report. However, it is still considered that the development of the site for only 10 units is sub-optimal and that a larger number of units can and should be aimed for, in the interest of making efficient use of land (as set out in LP7 and paragraphs 128, 129 and 135(e) of the NPPF). Such a scheme can be designed to reflect typologies surrounding the site and can also include bungalows. In the absence of such a proposal, and in view of the significant under-supply of housing land at the present time, it is considered that the proposed quantum of development is unacceptable and the proposal in its current form is therefore not supported by officers.

Housing mix and affordable housing

- 10.16 Under Principle 2 of the council's Housing Mix and Affordable Housing SPD, affordable housing (whether on-site or a financial contribution) is not expected to be provided unless the proposal is for more than 10 units, regardless of site area, which means that in this case, an affordable housing contribution would not be sought in the event of an approval. However, proposals should seek to meet local housing needs by referring to the market housing shares set out in Table 1 of the SPD as a starting point.
- 10.17 In this case the site is 0.65ha in size. In the area designated as Rural East Kirklees, of which this site forms part, the starting point is that between 30-60% of new homes should be 1- and 2-beds, 25-45% 3-beds and 5-25% 4+-beds. The selection of house types shown on the plans as originally submitted is 50% 2-bed, 50% 3-bed. The applicant has provided a 4-bed "option" for house type 'C' which would have the same footprint as the 3-bed version of house type 'C'. The site plan does not say which if any of the three type C units are to be 4-bed. If the council was minded to approve the application, one house type could be substituted to achieve 10% 4-bed. More importantly, however, the development would make a suitable contribution to the supply of 1- and 2-bed homes. It would thereby fulfil the aims of Principle 1.

Sustainable development and climate change

- 10.18 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.
- 10.19 The site is considered moderately accessible, lying within an existing established settlement which benefits from an approximately twice-hourly bus service connecting Wakefield and Huddersfield. Grange Moor possesses few amenities or facilities. There is a small convenience store, hair salons and a fish and chip shop within the settlement. The nearest Local Centre (as defined within the Local Plan) is 4km away. There is, however, a local primary school, as well as employment opportunities. It is concluded that at least some of the daily, economic, social and community needs of residents of the proposed development could be met within the area surrounding the application site without the use of a private car.
- 10.20 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. The applicant's Climate Change Statement lists several measures to contribute to these aims, including the installation of solar PV equipment, the use of locally- or sustainably-sourced materials, and insulation beyond minimum standards.

Urban Design issues

- 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 The site is located on the edge of the settlement of Grange Moor. The site is, however, bounded by a housing allocation to the north and east so it is possible that its present situation, that of bordering undeveloped land on two sides, will not be maintained in the long term. The existing development in the vicinity of the site lacks a clearly-defined uniform character. Directly opposite, on the other side of Denby Lane, is a pair of semi-detached bungalows, with a 2-storey house (Square Pitt House, 6 Denby Lane) occupying a prominent position in the street scene just to the east and further bungalows (true and dormer) located off Denby Park Drive.
- 10.23 To the west, the relatively high-density Denby Lane Crescent, comprising short rows of townhouses, is also important in forming the local context, as is Urban Terrace itself. Bordering the site to the west, the modern development of Stoneroyd comprises 2-storey detached houses built to a high density of eight units on a site of 0.35ha, or little more than half the area of the current application site.
- 10.24 The development as proposed comprises a range of house types. A and F are uncompromisingly modern designs in their use of split, asymmetrical roofs, and non-traditional window configurations (either very tall and narrow, or square). Type C has a more traditional built form and roof style but still incorporates large areas of glazing in its rear elevation. Type G is a more conventional dormer bungalow with window styles typical of the area.
- 10.25 It is considered that the proposed house types would meet the test of high-quality contemporary and innovative designs, a requirement that is highlighted in paragraph 8.3 of the SPD. The layout avoids placing any of the new dwellings too close to the access road or to Denby Lane. In fact, those on plots 1-3 would be set slightly back behind the front building line of Urban Terrace. Fenestration would relate well to the road layout, avoiding the appearance of blank or dead frontages. The layout would create a sufficiently coherent building line where it borders Denby Lane, although were unit 1 taller (ideally 2-storey) and of a different typology, this would help the development better reflect the immediate context provided by Urban Terrace. The proposals would avoid creating frontages dominated by parking and would incorporate small areas of soft landscaping which would form public open space. The submitted Arboricultural Impact Assessment shows that trees on or near the site boundaries would be retained, with minor pruning, and KC Trees have expressed no concerns.

- 10.26 The use of artificial stone as one of the principal walling materials is noted. Natural stone, usually laid in regular courses, is by far the predominant material in the vicinity of the application site, including on the relatively recent development, Stoneroyd. High-quality reconstituted stone might be judged acceptable for those plots set back from the frontage, but not for those that front Denby Lane. This could have been the subject of further negotiation, or conditioned, if the proposal were otherwise acceptable. Further negotiation may have been necessary to seek a reduction in the use of inferior materials such as render and timber-effect cladding.
- 10.27 It is sometimes desirable to have graded densities on a housing site, with higher densities nearer to established development and lower densities adjacent to open countryside. In this instance the land to the north and east, it is expected, would ultimately be developed for housing, so the any dwellings close to the northern or eastern site boundary would end up being enclosed by development and not seen adjacent to undeveloped land. Even in its present situation, being seen against a backdrop of agricultural or semi-natural land to the north and east, it is considered that the development would not be seen as an obtrusive or non-conforming feature in the landscape, and would not adversely affect long-distance views.
- 10.28 It is considered, however, that there is scope to increase the density of the site without giving rise to the appearance of overdevelopment or providing too abrupt a transition to open land. There are several ways this could be achieved. One would be to increase the number of units on the Denby Lane frontage. This could consist of three or even four pairs of small semi-detached houses, if plot 10 were deleted to prevent overlooking. This would provide 12-14 dwellings in total. Alternatively, there could be a pair of semi-detached houses at each end of the Denby Lane frontage with a type G bungalow in the middle so as not to give rise to overlooking of plot 10 from upper floor windows, resulting in 12 dwellings altogether.
- 10.29 The opportunity also exists to increase the number of units in the northern part of the site. For instance, unit 7 could be replaced by a pair of two-storey semi-detached dwellings, which could have a north-south orientation, continuing the line formed by units 8 and 9. Unit 5 could also be replaced with a pair of two-storey semi-detached houses. Unit 6, however, has a much shorter back garden, so replacing it with a pair of semi-detached houses might not be desirable as each would have rather limited amenity space.
- 10.30 The Kirklees Dwelling Mix Analysis technical note (November 2020) finds that there is an unmet demand for bungalows in this housing market area (rural east Kirklees). It is broadly correct to say that across Kirklees there is an under-supply of bungalows, in that bungalows as a percentage of the existing housing stock are below the percentage required to supply the housing type mix indicated by projected housing demand.
- 10.31 The technical note finds, however, that the under-supply of two-bedroom bungalows is less severe in Kirklees Rural East than in other housing market areas within Kirklees, and there is even a very small over-supply of three-bedroom bungalows. Furthermore, it should be noted that the Dwelling Mix Analysis technical note does not have the status of an adopted SPD and cannot carry the same weight as the Local Plan allocation and the Affordable Housing and Housing Mix SPD. Whilst the proposal can be said to assist in meeting an unmet demand for bungalows in Kirklees, it is considered that this matter only attracts limited weight in the planning balance.

- 10.32 In conclusion, it remains officers' view that a higher density could be achieved without it giving rise to a cramped or over-intensive form of development. It is considered that whilst the proposed development would sufficiently respect local character, thereby supporting the aims of Local Plan policy LP24(a), it fails to achieve the objectives of policy LP7 by not making effective and efficient use of the site through appropriate densities.

Residential Amenity

Impact on amenity for existing dwellings and adjacent land

- 10.33 The site is bounded by land to the north and east that is presently undeveloped but lies within a housing allocation. On the latest version of the site plan, the nearest window in the bungalow on plot 6 would achieve the recommended separation distance of 10.5m from the rear boundary, thus ensuring that does not compromise the future development of the adjacent housing allocation, HS58.
- 10.34 Existing dwellings, however, would not be directly overlooked at close quarters or suffer undue loss of light or outlook as a result of the proposed development.

Amenity for future residents

- 10.35 It is considered that the layout of the proposed dwellings within their respective plots would allow all future residents to experience satisfactory levels of natural light and outlook.
- 10.36 In terms of floorspace, all would meet the minimum requirements set out in the Nationally Described Space standards for 2-, 3- and 4-bed houses, as applicable.
- 10.37 Plot 10, it is noted, would have a relatively small garden, but this would at least be able to receive direct sunlight throughout the year. It is considered that taking a view of the development as a whole, residents would have access to private outdoor amenity space that is useable, high-quality and proportionate to the size of the dwelling.

Residential amenity – conclusion

- 10.38 It is considered that the proposed scheme would deliver a high standard of amenity to future occupiers whilst not compromising those of existing residents, and would therefore comply with the aims of Local Plan policy LP24(b).

Highway and transportation issues

- 10.39 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 will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.40 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.

Proposed site access and traffic generation

- 10.41 It is proposed to access the site via a single point of access off Denby Lane, an adopted but unclassified road. Suitable visibility splays of 2.4m x 43m have been demonstrated.
- 10.42 The council's Highway Safety team have noted that on-street parking occurs in the vicinity of Urban Terrace, and have suggested that measures to maintain a safe level of visibility could be conditioned, although specifics have not been proposed. At the time of the case officer's site visit, no on-street parking was observed along the site frontage, however, and any residential parking associated with Urban Terrace is likely to take place immediately outside these dwellings. Access arrangements as proposed are therefore judged to be satisfactory.

Internal layout, parking and servicing

- 10.43 Each dwelling would be provided with two private parking spaces, which by current standards is appropriate for a 2- or 3-bed house. Two visitor parking spaces are incorporated into the layout. Standard visitor provision is one for every four units, which would indicate 2.5 in this case. The number has in effect been rounded down from 2.5 to 2, but as KC Highways Development Management have expressed no concerns about this particular aspect of the scheme, it is on balance judged to be acceptable.
- 10.44 KC Highways Development Management have, however, expressed concerns during the process about some aspects of the estate layout and servicing arrangements. The original plans did not make it clear whether the estate road was intended to be built to adoptable standards (which would be a normal requirement for a development of this scale). Further specific concerns raised by officers included the gates (which would be likely to impede access for service and emergency vehicles), the refuse collection arrangements, and the lack of swept paths for service vehicles.
- 10.45 The site layout plan indicates that refuse collection for plots 1-3 would be undertaken direct from Denby Lane. For the other plots, two separate presentation points are shown: one, serving plots 5-9, at the end of a shared informal access or ginnel, the other serving plots 4 and 10, to the left of the first turning head. Both would be approximately 25m from the adopted highway.

- 10.46 The distance from the collection point to the refuse collection vehicle, as specified in the British Standard, should be no more than 15m. Section 46 of the Environmental Protection Act 1990 (EPA) empowers a Waste Collection Authority to set its own standards for waste collection arrangements, however, and Kirklees Council's internal policy is that the drag from the bin collection point (BCP) to the refuse collection vehicle (RCV) should not be more than 10m, and preferably no more than 8m. The drag distance from the householder's own waste storage point to the presentation or collection point should also not exceed 25m. In short, any layout that requires refuse collection workers to drag bins more than 10m would, under current Kirklees standards, not normally be deemed acceptable.
- 10.47 In response to the concerns raised, the applicant put forward the following proposals:
- The access road will be to an adoptable standard up to the gates.
 - A private waste collection service will be organised for dwellings beyond the gates.
 - The gates and private road will have an override system and ensure that emergency vehicles can enter the site.
- 10.48 The latest revised site layout shows that an additional 2.0m wide footway to be provided adjacent to plot 3. This improvement is welcomed, but the location of the bin presentation points is unchanged. As the council has a statutory duty to collect refuse from residential properties, and it cannot be guaranteed that any private collection arrangement can be maintained in perpetuity, any proposal must either provide an internal road layout that is proven to be suitable for refuse collection vehicles or ensure that refuse collection can be undertaken from the existing adopted highway in conformity with the standards set out in the council's Waste Management Design Guide for New Developments. Since the waste collection arrangements for plots 4-10 would exceed the drag distance for operatives from Denby Lane, and as the applicant has failed to demonstrate that an 11.85m refuse collection vehicle can access the development and turn around in the vicinity of the bin collection point, the layout is considered unacceptable.
- 10.49 The proposed gating of the private road raises concerns for emergency service vehicles. Officers recommend that this element be removed, unless it can be clearly demonstrated that an override system would achieve the same result. The main concern that has not been addressed is however the overall impracticability of the layout from the point of view of facilitating council refuse collection.

Public Right of Way

- 10.50 A Public Right of Way, footpath KIR/209/10, runs along the eastern boundary of the site. Any proposal for development on this site must ensure that the safe and convenient use of the PROW is unaffected and it is retained at its definitive width (in this case 2m). A concern raised by officers during the planning process was that the site plan did not clearly show the PROW at its definitive width and furthermore appeared to show its line displaced 2m to the east of its definitive position at the point where it meets Denby Lane. The former issue has been corrected (width now shown at 2m). The eastern edge of the proposed Plot 3 is now co-existent with the definitive line of the PROW

at the point where it meets Denby Lane. KC PROW have been notified and have not made any further comment. Officers are now satisfied that the development would not encroach on the PROW or negatively affect its usability.

Cycling and sustainable transport

- 10.51 The proposed dwellings do not have any secure cycle storage indicated. This could be the subject of further discussion. The site does not present opportunities for new links to the existing cycling network.

Highway and transportation issues – conclusion

- 10.52 The layout of the proposed estate road does not meet adoptable standards and would therefore does not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable as it would require refuse collection workers to drag refuse containers approximately 25m from their presentation point, which substantially exceeds the 8-10m set out in the council's Waste Management Design Guide for New Developments and the 15m set out in current British Standards. The applicant's proposal for a private waste collection service is not a satisfactory alternative, for the reasons set out above. It has also not been demonstrated that the proposed gating of the estate road beyond the first turning head would guarantee unrestricted access for emergency service vehicles which would therefore raise concerns about the future safety of residents. The development would therefore fail to allow the convenient collection of waste as required by policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the NPPF.

Drainage and flood risk

- 10.53 The site lies within Flood Zone 1 according to both the Environment Agency and the council's Strategic Flood Risk Assessment.
- 10.54 The applicant's Flood Risk Assessment (FRA) concludes that the disposal of surface water by means of infiltration is not practicable. Attenuation storage would be used instead. The Lead Local Flood Authority (LLFA) officer has advised against the use of crate storage. In response, a maintenance plan for the drainage infrastructure has been submitted and this could be the subject of further negotiation had the proposed development been acceptable in other respects.
- 10.55 Foul water drainage would be to the existing foul water sewer.
- 10.56 The LLFA officer has also raised concerns about the infilled pond on site but in the case officer's view this is unlikely to present an obstacle to the development of the site. There are no watercourses, culverted or open, present on the site.
- 10.57 To conclude regarding drainage and flood risk, it is considered that there are no drainage issues that would prevent the site being developed based on the layout submitted. Subject to suitable details of attenuation methods, it would not result in future occupants being subjected to an unacceptable risk of flooding or give rise to a greater risk of flooding off-site.

Site contamination and land stability

- 10.58 A Coal Mining Risk Assessment, including an intrusive report, has been submitted, which plots the position of the former mineshafts and zone of influence, and states that remedial works (including capping of shafts, drilling and grouting to stabilise the site), would be required to ensure safe development and occupation. The carrying out of remedial works, and submission of a statement certifying that the site has been rendered safe, could have been conditioned in the event of an approval.
- 10.59 A geoinvestigation and phase 2 report have been submitted to assess contamination. KC Environmental Health noted the presence of colliery spoil and given its sensitive end-use further testing of the combustibility of this material are required. Additional information was provided, which KC Environmental Health have considered. That team have concluded that whilst the issue is not wholly resolved, any outstanding concerns could be addressed by a condition.

Ecological issues

- 10.60 A Preliminary Ecological Appraisal was submitted with the application. It finds that mosaic scrub woodland is the dominant habitat. This is not a priority habitat and is considered to have moderate ecological value. The report advises that the opportunity exists to create compensatory habitat features on site such as bird boxes and wildflower-rich grassland, but acknowledges that the majority of compensatory provision to ensure 10% biodiversity net gain would have to be off-site.
- 10.61 The findings of the report are accepted. Officers raise no concerns about the impact of the proposed development on biodiversity. Had the proposed development been considered acceptable in other respects, the requisite 10% biodiversity net gain could have been secured by means of a condition for on-site improvements and a legal agreement by which the developer would deliver habitat creation or improvement off-site.

Other matters

Air quality

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

Land stability issues

- 10.63 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

- 10.64 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. The site layout allows for an adequate amount of passive surveillance of, and by, the proposed dwellings. 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 would have been necessary.

Health and safety issues

- 10.65 The site lies within a Class 1 area for radon gas and there are no other known health and safety issues (e.g. from hazardous substances or gas pipelines).

Representations

- 10.66 The comments made, where they have not been addressed in the main body of the report, are summarised here with officer responses.

- 10.67 Representations in support:

- Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner. We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.

Response: *These are subjective viewpoints upon which no weight can be placed.*

- The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.

Response: *The desirability of delivering affordable housing through the development of this housing allocation is a secondary issue. It would potentially be an additional benefit if a larger number of dwellings were to be built, but officers' main concern is overall numbers.*

- Bungalows will be more in keeping with local character – which is mostly low-density – than two-storey houses.

Response: *The character of surrounding development has been taken into account and it is considered that it would be possible to incorporate two-storey houses into the scheme. Bungalows are but one of the typologies already present in the surrounding area.*

- Policy LP21 of the Local Plan is in place to ensure new development allows safe and suitable access. With the council's proposal, we do not feel this is possible, especially because the neighbouring housing allocation will also need access from Denby Lane. We do not consider that maximising the number of driveways on Denby Lane is the safest option from a traffic perspective.

Response: *This is not accepted. A higher quantum of development could have been proposed without jeopardising highway safety.*

- The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.

Response: *This is noted as a possible benefit but this does not outweigh the planning arguments against the proposal already highlighted.*

10.68 Other comments:

- Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing.

Response: *As previously noted, many of the dwellings would in fact contain accommodation over two floors.*

- As the school is undersubscribed and the remote nature of the village means car ownership is vital, with bus services infrequent it is not an ideal area for the target demographic of bungalows.

Response: *It is considered that it would not be possible to sustain a refusal on this factor.*

- Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure.

Response: *This has not been requested by KC Highways Development Management and it is considered doubtful that such measures, for a development of this scale, would be deemed proportionate or fairly related to the development.*

- I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.

Response: *Had the proposals been considered acceptable in all other respects, a plan for access, unloading and so forth during construction could have been conditioned, as is standard practice.*

10.69 Ward Councillor comments – Cllr John Taylor. Comments made (additional to Cllr Taylor's request for a committee decision):

I would just like to add my voice to the objections to the proposed changes [increased number of units] to the plans for the above site. The proposal for 10 bungalows on this site is something which has strong community support and also meets with the feedback I have consistently got from the place standards initiatives which I have run in the ward (I have done 3 so far). I have two major concerns about what is being proposed, firstly the desire to have a number of properties facing onto Denby Lane with drives and offroad parking accessed from Denby Lane.

Response: *The previous sections of the report set out in detail the reasons why the proposal is considered to be an inefficient use of the site. It is also considered it would be possible to have more dwellings fronting Denby Lane without the frontage being dominated excessively by hard surfaces.*

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. Residential development here is therefore acceptable in principle. The development, by providing only 10 units on a site with an indicative capacity of 22 (and notwithstanding the physical constraints on the site), fails to make efficient use of the land or optimise the development potential of the site as required by Local Plan policy LP7 and paragraph 128, 129 and 135e of the NPPF.
- 11.3 Whilst the local highway network is of a sufficient standard to take on the traffic generated, the proposed internal layout is considered unsatisfactory from the point of view of future servicing (and especially refuse collection) arrangements.
- 11.4 The design and appearance of the proposed development is considered acceptable, although improvements could have been made in some respects. There would be no undue material harm to the amenity of neighbouring residents, drainage, ecology, and trees, issues that have been addressed through the proposal.
- 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 not constitute sustainable development and is therefore recommended for refusal.

12.0 REASONS FOR REFUSAL

1) The quantum of development proposed, at 10 units, fails to optimise the development potential of the site and fails to achieve efficient use of land, contrary to Policy LP7 of the Kirklees Local Plan and paragraphs 128, 129 and 135(e) of the National Planning Policy Framework.

2) The design and layout of the proposed estate road does not meet adoptable standards and would therefore not allow safe or convenient access by a refuse collection vehicle. Collection of wastes from Denby Lane would be impracticable. It has also not been demonstrated that the gating of the estate road beyond the first turning head would provide suitable access for emergency service vehicles. The development would therefore fail to allow the convenient collection of waste as required by Policy LP24(d)(vi) of the Kirklees Local Plan and would not result in a development that would function well throughout its lifetime as required by paragraph 135(a) of the National Planning Policy Framework.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93704>

Certificate of Ownership A completed