
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 06-Mar-2025

Subject: Planning Application 2023/92966 Demolition of existing dwelling and erection of 97 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works Land to the rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB

APPLICANT

Jason Clay, Quarters
Gomersal Ltd

DATE VALID

10-Oct-2023

TARGET DATE

09-Jan-2024

EXTENSION EXPIRY DATE

12-Jun-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: Liversedge and Gomersal

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 S106 agreement to cover the following matters:

- a) Affordable Housing: 16 units, comprising 7 Affordable Rent, 5 First Homes and 4 Intermediate (16.5% of total units).
- b) Open space off-site contribution: £112,855
- c) Education: £150,705
- d) Sustainable Travel: £44,500 towards Metro Cards (or similar), £26,000 towards bus-stop improvements, and £10,000 towards travel plan monitoring.
- e) Management and maintenance: on-site Public Open Space, on-site drainage infrastructure, and ecological features (30 year minimum).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the demolition of an existing dwelling and the erection of 97 dwellings, with the works including the formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works
- 1.2 The application is presented to the Strategic Planning Committee due to the level of public objection contrary to officer's recommendation and due to the recommendation including a non-policy compliant S106 package following a viability review exercise. This is in accordance with the council's Delegation Agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is 3.6 hectares in size and is part of a site allocated for housing in the Local Plan (site allocation ref: HS116).

- 2.2 The site is located on the north western edge of Gomersal. To the north is open countryside. Properties that adjoin the site's boundary consist of those associated with either Cliffe Lane to the west and south and Cliffe Mount to the east.
- 2.3 The site consists of detached dwelling, number 271 Cliffe Lane, and several irregular size fields, currently used for grazing. The fields are divided from one another by either timber posts and wire fencing, or trees and unkempt field hedgerows. Field hedgerows, trees and timber fencing is located along the site's boundary with Ferrand Lane/Cliffe Lane, which runs along the site's northern and western boundaries and are rural routes, designated as a public footpath (SPE/56/10). A small pond is located within the west of the site (to the rear of number 271).
- 2.4 Within and around the edge of the site are several tree preservation orders (TPOs). This includes a large and mature specimen in the rough centre of the site, and several individual and group orders around the boundaries.
- 2.5 The site slopes downhill from south east to north west. Its south east corner adjacent to properties associated with Cliffe Mount is approximately 150m Above Ordnance Datum (AOD) and its north western corner near to Spen Valley Scout and Guide Camp is approximately 130m AOD. There are some small variations in levels throughout the site, particularly towards the centre.
- 2.6 Gomersal Conservation Area is to the north east of the site, together with the grade II listed Gomersal Methodist Church. The site has some landscape sensitivity resulting from its location, with wider, open views to and from the north from the surrounding public footpath network.

3.0 PROPOSAL

- 3.1 This planning application seeks full planning permission for the construction of 97 dwellings, with associated works, comprising the following mix:
- 1- and 2-bed: 39 (inc. 15 apartments) / 40%
 - 3-bed: 34 / 35%
 - 4-bed+: 24 / 25%

Dwellings would be a mix of detached, terraced, semi-detached, and two apartment blocks. Heights would vary between two and three storeys, including split level properties.

- 3.2 The existing dwelling no. 271 Cliffe Road would be demolished to facilitate the site access from Cliffe Lane. The new estate road would enter the site and head roughly to the centre, before splitting into branching streets, which themselves split to smaller roads. A mix of standard estate road, shared surface, and private drives would be provided.
- 3.3 Dwellings would be arrayed around the new road in a typical contemporary estate fashion. Each dwelling would have dedicated parking, sited to the side or front of the property, with certain plots having detached or integral garages. The 2-bed and 3-bed dwellinghouses would have two off-road parking spaces per unit, with the 4-bed units have three. The apartment blocks are proposed to have shared private parking facilities, with 1 space per unit. A total of 23 visitor parking spaces would be spread around the new road.

- 3.4 Most dwellings would be faced red-brick with half render (render to the first floor) although certain dwellings would be all red-brick or artificial stone. The roofs for the dwelling houses would be gabled, with the apartment blocks' being hipped. The aesthetic of the dwellings is contemporary vernacular. Design features into pitched door canopies and stone heads / cills to the front, with brick heads / cills to the side and rear.
- 3.5 Re-grading and engineering works are proposed across the site to form development plateaus. No details have been provided on the facing materials for the retaining walls.
- 3.6 The development proposes the removal of six individually surveyed trees, six groups of trees and six hedgerows. The proposal includes a landscaping strategy through low level planting and trees. This includes the planting of 95 standard sized trees (and an additional 57 featured trees (smaller / younger than standard)). New trees are proposed adjacent to the highway throughout the layout (but not within it).
- 3.7 Boundary treatments include a mix of 1.8m high fencing and brick walling, lower fencing and knee rails, and hedgerow planting.
- 3.8 Two parcels of public open space (POS), one of which hosts the TPO tree identified as T34, would be sited roughly centrally within the site, where the abovementioned road splits. A larger parcel of public open space would be sited along the site's northern boundary, separating the site from Ferrand Lane. This parcel of POS would accommodate the proposed surface water attenuation tank, foul water pump station, and play area (Local Equipped Area of Play (LEAP)).
- 3.9 Connections onto PROW SPE/56/10 would be provided at the site's entrance and via the northern POS.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2019/90902: Outline application for the demolition of one dwelling and erection of 98 dwellings with consideration for access landscaping and layout – Refused (dismissed at appeal (ref APP/Z4718/W/22/3290253))

Note: The LPA were originally minded to approve this application, including having it approved at committee. However, the S106 agreement was not completed within a reasonable timeframe. It was originally presented to committee (with a recommendation for approval) in December 2019, and re-presented to committee (with a recommended for refusal) in June 2021, to indicate the period of time in which the S106 was not secured.

Members resolved to support the reason for refusal (failure to provide required planning contributions and obligations) at the second committee, and the application was refused. The appeal was dismissed on the same grounds (absence of S106 agreement).

4.2 Surrounding Area

The Paddock, Ferrand Lane, Gomersal

2020/93593: Outline application for demolition of outbuilding and erection of detached dwelling and garage with associated works – Granted

2023/90326: Reserved matters application pursuant to outline permission 2020/93593 for demolition of outbuilding and erection of detached dwelling and garage with associated works – Granted

3, Cliffe Mount, Gomersal

2021/93174: Erection of extensions with raised patio and exterior alterations – Granted

4.3 Enforcement History

None relevant to the proposed development.

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

5.1 The current proposal was not subject to pre-application engagement (although notice should be given to the planning history outlined in section 4.1). This application was submitted in October 2023. Following initial review by officers, consultee feedback, and comments from the public, various issues were raised which prevented officers being able to support the application as submitted.

5.2 The nature of the concerns initially held included, but were not limited to:

- Concerns that the proposal, initially for 87 dwellings, was not an effective or efficient use of the allocation. Likewise, concerns on the housing mix not responding to local needs were held.
- Additional justification was sought for the exclusion of circa 0.25ha of the housing allocation, and consideration on whether this area of the allocation could be built upon subsequently.
- Urban design concerns, including ensuring the development fit into the established character of the area and ensuring an attractive development.
- Technical design concerns relating to highways, drainage, and contaminated land.

During the course of the application each of the above issues has been addressed via negotiations with officers and consultees, leading to a set of amended plans. The proposal as now submitted, which included the number of units being increased to 97, is concluded to address all previously raised concerns (as detailed throughout section 10).

5.3 While the technical planning matters had been addressed, the applicant held concerns over the viability of the proposal and was unable to agree to a policy compliant S106 package. This led to the applicant providing a viability statement, which was independently reviewed on behalf of the LPA. Details of this may be found in paragraphs 10.94 – 10.104, but in summary the LPA consider a reduced viability package reasonable in this case, based on the expert advice received.

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 27th February 2019).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The site is allocated for housing in the Local Plan (site allocation ref: HS116).

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

- Kirklees Interim Housing Position Statement to Boost Supply February 2024
- 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

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2024 (correction update published Feb 2025) and the Planning Practice Guidance Suite (PPGS), 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 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

6.6 Other relevant national guidance and documents:

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

Climate change

6.7 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.

6.8 On 12/11/2019 the council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon

target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement

7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to their submission. Means of publicity included sending letters to local residents and businesses, with 163 issued to properties near to the site. The letters directed people to a dedicated public website.

7.2 Ward members were also emailed at this time.

7.3 Six representations were received to the applicant's publicity. These raised the following concerns:

- **Services:** Lack of capacity of nearby schools, Doctors and Dentists to accommodate the residents of the scheme.
- **Highways:** Increased road congestion and traffic. Cliffe Lane (towards Cleckheaton from Fusden Lane and Bawson Court) is unsuitable for additional traffic. Any construction traffic should be banned from the lower section of Cliffe Lane. Junctions at West Lane/Latham Lane and West Lane/Oxford Road are dangerous. There should be a financial contribution to improve local road network, safety measures around the primary school and improved public transport services.
- **Ecology:** Loss of greenfield space and habitat for local wildlife. Loss of trees and hedges.
- **Light and privacy:** Distance between plot 57 and properties on Cliffe Mount and impact on light, view and privacy. Could the landscape buffer between Cliffe Lane properties and the new development be extended to include Cliffe Mount? Is it possible to relocate property 57 so that this is a more suitable distance between the properties. Adjacent bungalows would be overshadowed.
- **Mine Shafts:** Concerns in relation to damage caused to existing properties and foundations as a result of the proposed development.
- **Construction noise and impact:** Construction noise and impact: Concerns in relation to noise and disruption caused by building works. Would like to have details of the proposed timescale involved and working hours of the site.
- **Flood Risk:** Bottom section of the site can become very wet.
- **Drainage:** Is there capacity for the existing drains/sewers to cope?
- **Green Belt:** The site is in the Green Belt and would be contrary to national and local planning policy. Development of the site would be detrimental to the open, rural and undeveloped character of the area. Brownfield sites should be prioritised over greenfield.
- **Footpath links:** Unclear on the plans.
- **Scale of the development:** Will there be three storey dwellings.

- 7.4 The applicant considers and responds to each of the above points in the SCI document. In summary, they are satisfied that the proposal would suitably respond and address the above concerns, being in compliance with the relevant planning policies.

Public representation

- 7.5 The application has been 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 previous Statement of Community Involvement (replaced Feb 2025).
- 7.6 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.7 The end date for public comments was 14/11/2025. In total 79 public comments were received across the three public representation periods. The following is a summary of the comments made:

Urban Design

- *The village of Gomersal is losing its identity and rural nature. The site is an attractive green field which contributes to the character and setting of the local area.*
- *Three storey dwellings are out of keeping with the area. This is exacerbated by many neighbouring dwellings being bungalows.*
- *The proposal includes the removal of trees that are under TPOs. TPOs have been served to the detriment of local families, and their removal here to enable development is unfair.*
- *The Crime Prevention Report notes that trees should have their branches 2m above the ground and that public areas should be lit: this will erode local character and harm local species.*
- *The proposal is near to a listed church and conservation area, and will cause harm to their value.*
- *Bawson Cliffe is identified as a Victorian Villa in the submitted heritage document. This is disputed, and is noted to be Georgian by the objector, who contends that the proposal, particularly the three-storey properties included, will harm its setting and heritage value.*
- *While the site is not Green Belt, it is next to the Green Belt and will bring the urban areas to the fringe of the Green Belt.*
- *Three storey properties should not be located on the site's boundary. The applicant has previously stated three-storey properties would not be sited near the boundary.*
- *Expectation for a buffer zone between the site and Ferrand Lane.*

Amenity

- *The proposal would block the outlook from neighbouring dwellings. This is exacerbated by many neighbouring dwellings being bungalows.*
- *The proposal (which includes three storey dwellings) will cause harmful overbearing and overshadowing.*

- *The proposal will allow new dwellings to overlook private gardens, harming privacy.*
- *The development, including its associated traffic, will result in harmful noise pollution.*
- *There are insufficient amenities, parks and facilities for local children.*

Highways

- *Clarity is required on what will happen to the Public Right of Way on Ferrand Lane.*
- *Traffic should not use Ferrand Lane, which is unmade, muddy, and not suitable for more vehicle movements.*
- *The submitted highway documents under consideration relate to 87 units, not 97.*
- *The Road Safety Audit undertaken relates to the original 87-unit scheme, not the proposed 97 units, nor does it take into account take into account the vehicles that will use the access road into the site from Heathfield which currently use the lane adjacent to the house 271.*
- *The Road Safety Audit notes that large refuse vehicles may cause encroachment onto the onto the opposing traffic lanes of Cliffe Lane*
- *The local roads cannot accommodate additional traffic. It will become busier and more dangerous for drivers and pedestrians.*
- *The local road networks are historic, with narrow junctions with poor sightlines. Putting more vehicles into this area is not safe.*
- *Traffic surveys should be undertaken during school days / hours. Those undertaken were only recorded vehicle movements in the periods of 0700 – 0915 and 1500 – 1845 on one day on Tuesday 28th March, and recorded 2,181 vehicle movements.*
- *To achieve the required visibility splay into the site, the applicants wish to narrow Cliffe Lane which will, if approved, create major problems for all traffic.*
- *The proposal includes pedestrian access onto Ferrand Lane. Ferrand Lane is unadopted and unlit, without a pavement, and is currently only fronted by 5 dwellings. Sightlines on the lane are limited due to its narrowness and hedgerows. The lane is subject to commercial traffic by way of heavy goods vehicles and other traffic generated by the Scout's activity centre. This access proposition poses significant risk to pedestrians.*
- *The proposed access is unsuitable, being not fit for purpose, particularly for larger vehicles.*
- *Request for careful consideration of temporary bin-storage prior to refuse vehicles entering the site, bearing in mind the access is shared with existing dwellings. Likewise, consideration of suitable arrangements is needed for contractor parking and deliveries during construction.*
- *Bus stops near to the site have had their services cut.*
- *Questions over the number of accesses onto Ferrand Lane, with an indicated preference to one and no vehicle access.*

Ecology

- *The site is a valuable habitat that hosts various wildlife species. It should not be lost.*
- *While some trees / hedgerows are to be retained, new development so close will drive animals out of them.*
- *The submitted reports are inconsistent in regards to the hedge identified as H1. The agricultural report states it is to be retained whereas other plans are indeterminate. Also, uncertainty what is meant by 'hedge line', which is open to misinterpretation.*

Drainage

- *The site is often waterlogged, indicating an existing drainage problem.*
- *The proposal will lead to increased water runoff and flooding in the area. It will interfere with established groundwater infiltration.*
- *The surface water is proposed to be discharged to a watercourse on third party land. This is disputed to be a watercourse, being called by the objector a 'ditch' and stating they will not allow any discharge.*
- *Concerns over inconsistency of the proposed surface water discharge rate, with different documents stating different numbers. This should be agreed with the land owner.*
- *The attenuation tank is proposed as geocell. This should be concrete instead, as they are more robust and simpler to maintain.*
- *A petrol interceptor should be included prior to surface water entering the attenuation tank, to avoid hydrocarbons entering the wider water catchment, as well as silt traps.*
- *The neighbouring Spen Valley District Scout Council were not approached or contacted during the applicant's pre-application engagement exercise.*
- *If access is needed to the Fanwood Scout Campsite (to facilitate the drainage arrangements), appropriate safeguarding would be needed.*
- *The development's drainage system would need to deal with any surface water runoff from Ferrand Lane, so this water is also captured and directed through the new system, as part of the agreed flow, along with other design considerations they deem necessary. This includes suitable long-term management and maintenance arrangements, and that the surface water outflow system is installed prior to houses being constructed.*

Other

- *The site is near to Fan Woods Scout Campsite. Residential development near to this will pose a security / safeguarding concern. Also, noise from the development will cause issues for the campsite.*
- *A previous application on the site was refused, and this should be too.*
- *There is no Tesco superstore in Gomersal, as noted within the applicant's viability statement. There is a small Tesco in Birstall.*
- *The site is within the High-Risk Coal Zone, with mineshafts known to be in the area. The submission identifies three within the site. Dwellings should not be built here, and if they are, may cause subsidence. The conditions recommended by the Coal Authority should be actioned before the application can be approved.*

- *Dispute the validity of the pre-application community engagement exercise undertaken by the applicant.*
- *Disagreement with national and local policy on the need for housing construction. Reference to research conduct by the London School of Economics and Political Science which is stated to suggest ‘that there are better solutions than building new dwellings to solve the problems the UK housing market currently suffers.’*
- *There are dangerous gasses under the site, associated with coal mining, which should not be disturbed.*
- *New housing is harmful to the environment, with the objector stating ‘Housing accounts for 17% of the UK's CO2 emissions, and new constructions, even those that are energy-efficient, have high material and embodied carbon costs and do not address the inadequacy and inefficiency of the existing housing stock’.*
- *The proposed development, particularly the three-storey apartment block, would detract from the attractiveness of the PROW on Ferrand Lane through being overbearing.*
- *The site is Green Belt and should not be developed. Brownfield sites should be developed prior to greenfield sites.*
- *Additional vehicles will cause air pollution in the local area, affecting the health of local people, such as increasing asthma. Conversely, keeping the site as a green field will help clean the air and provide health benefits.*
- *The proposal will increase demands on local amenities, such as schools and doctors, which are over subscribed and struggling at present. This must be considered cumulative with various other developments expected or being built in the area.*
- *The proposal will affect land stability and result in foundational / ground damage to nearby dwellings. Insurance should be offered to existing residents.*
- *There is no need for these houses; there are vacant houses for sale nearby that are not selling.*
- *Gomersal has enough family homes. There is a greater need for bungalows and retirement properties, not family homes.*
- *The proposal will lead to an increase in anti-social behaviour on Ferrand Lane and in the wider area.*

7.8 The site is within Liversedge and Gomersal ward, where members are:

- Cllr David Hall
- Cllr Lisa Holmes
- Cllr Caroline Holt

The local members were notified when the application was received and during the November re-consultation period. Cllr David Hall requested to be kept updated of the proposal. The ward councillors were also notified when the committee date was set, and should any further comments be received, these shall be noted within the update.

8.0 CONSULTATION RESPONSES

K.C. Conservation and Design: Note that the site is close to several designated heritage assets, with the closest listed building being the Methodist Church and the western boundary of the conservation area running along Ferrand Lane directly on the north-east corner of the site.

K.C. Crime Prevention: Provide advice to officers and the applicant. This included avoided creating non-overlooked, lighting, and recessed gateways. Elements of the advice have been incorporated by the applicant where feasible with conditions proposed to address others.

K.C. Ecology: The applicant has undertaken appropriate investigations and assessment. The proposal would secure 10% net gain on site and not cause harm to local species. Subject to the net gain being secured via condition, and the S106 securing ecological mitigation and enhancement, no objection.

K.C. Environmental Health: Due regard has been given to potential sources of pollution including ground condition, air pollution, noise, and lighting. No objection to the proposed details subject to conditions.

K.C. Highways (Development Management): Expressed initial concerns over various aspects of the development. Following engagement between officers and the applicant, all concerns raised have been addressed. Therefore K.C. Highways (Development Management) offer no objection to the proposal, subject to conditions.

K.C. Highways (Structures): No objection subject to conditions relating to works to provide or near existing retaining walls adjacent to the highway and structures under the highway.

K.C. Highways (Waste): Appropriate bin storage and collection locations are shown. Requested conditions requiring bin storage and collection be provided as shown as well as the submission of a strategy for waste collection during construction.

K.C. Landscape: Advice and feedback offered in regards to the landscaping proposed and the types / design of Public Open Space proposed for the site.

K.C. Lead Local Flood Authority: Expressed initial concerns due to insufficient details on how surface water would be managed. This led to proactive negotiations with the applicant and, as a result, an acceptable strategy was provided. No objection subject to conditions.

K.C. Trees: Expressed initial concerns due to the proposed tree loss. As a result of negotiations, certain trees have been retained that were originally proposed to be removed, with others having further details provided to justify their removal as being reasonable / necessary. Therefore, K.C. Trees offer no objection, subject to conditions.

The Mining Remediation Authority (formerly the Coal Authority): The application is supported by ground investigations which have considered the site and local area's coal related history. The report confirms that identified shallow mine workings pose a risk to ground stability, and that the two shafts, which have been located, will also require remediating. The MRA state 'the

development layout has clearly been designed around both of the recorded mine entries and their respective zones of influence and subject to the imposition of a planning condition to ensure the recommended remediation, the Coal Authority has no objections to this planning application’.

West Yorkshire Archaeology Advisory Service (WYAAS): The site had potential for archaeological interest associated with historic coal mining. However, on review of the submitted Built Heritage Assessment, WYAAS has advised that no further archaeological works are recommended.

West Yorkshire Metro: Expectations for sustainable travel enhancements, including the improvement of 2 local bus stops, at a cost of £26,000 and promoting the use of Metro Cards.

Yorkshire Water: No objection subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage and flood risk
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

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.

The five-year housing land supply and the tilted balance

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12th December 2024 demonstrated that housing delivery for Kirklees for the past 3 years has fallen below the 75% pass threshold.

10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

1. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
2. *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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

10.4 Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.

10.5 The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment, where relevant.

Land allocation and Quantum of development

10.6 The site falls within a housing allocation, reference HS116, within the Kirklees Local Plan Allocations and Designations document (2019). Therefore, Policy LP65 is applicable and states:

The sites listed below [the housing allocations] are allocated for housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

The site box for HS116 identifies an indicative capacity of 135 dwellings for the allocation. The site box also stipulates that 'Site access must be from Cliffe Lane not Ferrand Lane' and that 'There should be a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrand Lane'.

- 10.7 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land, including policies LP7 and LP11.
- 10.8 LP7 requires 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. Allocation HS116 has an indicative capacity of 135 dwellings, which this proposal is below.
- 10.9 The proposal excludes circa 0.25ha of allocation HS116, specifically the portion to the east of the site. While this remaining portion of the site is adjacent to Ferrand Lane, which the local plan states should not be used for access, the applicant has demonstrated that future access is feasible through the application site. In terms of density, a site of 0.25ha can be expected (at 35dph) to host circa 9 units. The applicant has demonstrated that this could be feasible. Accordingly, officers are satisfied that the current proposal would not prevent the remaining 0.25ha of the allocation coming forward at a future date.
- 10.10 In terms of the application site itself, due regard must be given to whether any constraints would make areas of the site 'non-developable'. The site has extensive trees to be retained, each of which requires a non-developable exclusion zone. When these are factors in, plus the 0.25ha excluded from the development, the proposal represents a developable area of 3.22ha, which at 97 dwellings equates to 30dph. This is broadly in line with the Local Plan's expectation for 35dph and is deemed appropriate for the site, giving regard to its topography, proximity to the Green Belt, and being a new edge to the settlement of Gomersal.
- 10.11 Regarding housing mix, LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.12 The following is the SPD expectation for the Batley and Spen ward:

	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	30 – 60%	40 – 79%	60%+
3-bed	20 – 40%	0 – 19%	20 – 39%
4+ bed	15 – 35%	0 – 19%	0 – 19%

- 10.13 The following is the proposal's market and affordable housing mix:

	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	27 (33%)	7 (100%)	5 (55%)
3-bed	31 (38%)	0	3 (33%)
4+ bed	23 (28%)	0	1 (11%)
Total	81	7	9

- 10.14 It should be noted that the proposal has been through a viability exercise which confirmed that a reduced S106 package, specifically affordable housing in this case, was justified on this site. This is expanded upon within paragraphs 10.94 – 10.104. It should also be noted that the SPD's market and affordable housing expectations follow a 'comply or justify' approach. In this case, the market housing would comply with the SPD's expectations, while the viability exercise undertaken justified the modest deviation proposed for the affordable housing. Furthermore, the proposal includes a reasonable mix of detached, semi-detached, and terraced houses, as well as fifteen apartments. This represents a diverse and attractive offer of varied housing which is welcomed.
- 10.15 To summarise, the site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocated site, in accordance with relevant planning policy. The proposal would aid in the delivery of housing to meet the council's targets at a time of need. Therefore, the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

Sustainable development and climate change

- 10.16 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
- 10.17 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to 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.
- 10.18 The application is supported by a Climate Change Statement, which identifies the following aspects of the proposal:
- The provision of a Home User Guide, clearly explaining how to operate the systems in the most efficient manner.
 - Installation of smart meters, enabling the occupier to monitor their own energy use and expenditure.
 - In order to enable greater control and the associated reduction in energy demand, individual time and temperature controls will be installed.
 - Modern methods of construction including timber frame are being actively considered for the dwellings to reduce carbon associated with the development. The Contractor selected to deliver the project will implement a Waste Management Plan, demonstrating compliance with the waste management hierarchy and recording key statistics in relation to waste and recycling. Wherever possible, the Contractor will utilise local material suppliers and subcontractors to reduce emissions associated with deliveries and travel.
 - Air source is being considered as the main heating solution. This reflects the upcoming changes to the Building Regulations and the

Client's aspirations to be an early adopter of the key principles. Solar is also likely to be used and space provision will be provided for future batteries.

- Areas of green space are incorporated within the development to provide additional permeable area. Many properties have been selected to have permeable paving on the driveways. Drains go to surface water attenuation. The drainage design includes a 40% allowance for Climate Change and a discharge rate of 5l/s.
- The application offers a well-considered landscape proposal that includes a diverse range of green spaces and habitat creation; ranging from formal lawned gardens to wildflower meadows and additional trees

The above details are welcome, although are noted to be aspirational. A condition requiring the submission of definitive details is therefore recommended, to ensure reasonable inclusion of the identified measures (having due regard to the separate requirements of Building Regulations).

10.19 Regarding the social infrastructure currently provided and available in Gomersal (and nearby Cleckheaton and Birstall) (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring 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 ageing population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.

10.20 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists) and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design

10.21 Relevant design policies include 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'.

10.22 The existing dwelling to be demolished, no. 271 Cliffe Lane, has no particular architectural merit and its demolition raises no concerns from a design perspective.

- 10.23 There is development to the east, west and south around the site, so the proposal would not appear as a rural extension (i.e., encroaching into open countryside). Nonetheless, the site is on the edge of the urban environment, where the environment is transitioning into the open rural environment to the north, with Ferrand Lane forming the edge to the Green Belt. Furthermore, as a sloped site the development would be visible from short- and long-distance vistas from Ferrand Lane and the open Green Belt to the north. Inevitably, the development of the site from greenfield to a residential estate would have notable impacts upon the appearance of the environment; therefore, a considered design is required.
- 10.24 The layout of the development has largely been determined by the natural features of the site, specifically its topography and existing tree planting. The access road has been designed as much as possible to follow the contours of the land and, along with avoiding unduly steep sections, largely dictated by the shape of the land. Despite this, the proposed layout reflects a typical modern residential estate with a main estate road, with several branching private drives, that dwellings would front onto. Dwellings are well sites within their plots, giving suitable separation to the highway and appropriate side to side spacing. Some portions of the site have a higher concentration of front parking spaces; however, these are not unduly common and are suitably broken up by front landscaping.
- 10.25 The dwellings are to be a mix of two storeys, split level two / three storey properties, and three storeys, with the apartment blocks being three storeys. Dwellings in the area are varied in height, predominantly two storeys but with bungalows being commonly evident along Cliffe Lane. The proposed two-storey units would reflect the predominant character of the area. In terms of three storeys, a nearby modern estate (early 2000s) built on the former Gomersal Mills site includes a similar presence of three-storey properties. Therefore, those proposed would not be without context in the area. Regardless, set within the site with limited public views that would see the existing built environment alongside that proposed, neither the proposed three-storey apartments or dwellings are anticipated to appear unattractive or out of keeping in the established built environment in terms of their height or scale.
- 10.26 Architecturally the dwellings have a typical contemporary vernacular that is not unattractive. The architectural design of dwellings in the area is varied, resulting in no defined character or characteristics; in such a setting, the typical modern attractive vernacular of the proposed units would appear suitably high quality and attractive, while harmonising with the established built environment.
- 10.27 Walling materials are to include a mix of artificial stone, red brick, and render. The red and render brick would be predominant, with the artificial stone used at key points / lines of sight. Roofing would be grey concrete tiles. Examples of all these materials are evident in the area, and their inclusion and distribution as proposed would not cause the development to appear incongruous and there is no objection to their use. However, suitable quality materials must be used: a condition is recommended for samples to be reviewed by officers.

- 10.28 Retaining walls are to feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would rise up to circa 4.5m (to the north of plots 79, 80, 88, and 89). Their inclusion is necessitated by the varied and sloping ground level within the site. While they would be prominent when within the development, more so than being visible from the wider area (i.e., views from outside the site), they would be kept to a minimum when viewed from the road / public vistas as they are typically between and to the rear of plots. The largest wall, as noted above, would face north towards the Green Belt, however would be near to the existing tree-belt that is to be retained, limiting its prominence. As such, the proposed extent of retaining walls is concluded to not be detrimental to visual amenity. However, facing materials for the retaining walls have not been provided: a condition for such details, to be approved by officers, to ensure those that are visible are built in a suitably attractive way, is recommended.
- 10.29 The proposed boundary treatments are typical for a modern development, including 1.8m high timber fencing to rear gardens and low fencing and/or planting to the fronts. Where rear garden boundaries front towards the new road, in most places the use of solid brick walling is proposed as a higher quality finish. This is welcomed in principle; however, several omissions are currently shown. This includes to plot 31 and 39, where fencing is proposed, along with uncertainty over the fencing atop retaining walls. This should also be considered in the context of comments in paragraph 10.44. The submitted details demonstrate that an attractive boundary treatment is feasible, however a condition for final details is recommended.
- 10.30 The development proposes the removal of six individually surveyed trees, six groups of trees and six hedgerows. Of these, two were category B (moderate quality), 15 were marked at category C (low quality) and one category U (worst quality). This includes one TPO tree, identified as T9, which is an early-mature oak. The removal of these trees is considered necessary to facilitate the development. Officers have worked with the applicant to consider whether T9 could be retained, however, by virtue of the extensive engineering works required around the site, it is not considered feasible without unduly preventing development on a sizable portion of the site and having knock-on impacts for the levels through the site. This notably includes the retention of T34, another TPO tree in the centre of the site which is proposed to be well-integrated into the proposal, being a central feature within the site. The retention of T34 creates a 'no change' zone for levels, which has implications across the site.
- 10.31 Notwithstanding the retention of T34, the loss of the other trees is a negative of the proposal, the weight of which must be considered in the context of the proposal's various benefits (including providing housing at a time of need) and the mitigation proposed. A condition for an Arboricultural Method Statement is recommended to ensure appropriate process when working near trees is followed, along with requiring the development be done in accordance with the Arboricultural Impact Assessment and limiting additional tree works without prior approval.
- 10.32 In mitigation, the proposal includes a comprehensive landscaping strategy through low level planting and trees. This includes the planting of 95 standard sized trees (and an additional 57 featured trees (smaller / younger than standard)). New trees are proposed adjacent to the highway throughout the layout (but not within it), anticipated to create an attractive green environment.

In addition, the proposal includes circa 6000sqm of public open space, including circa 800sqm in the site's centre to host T34. A condition for a fully detailed landscaping strategy, to include management and maintenance details is recommended. The S106 will also include a clause to secure the perpetual management and maintenance arrangements.

- 10.33 The applicant has demonstrated that careful consideration has been given to the shape, massing, and design of the dwellings, including their roof forms. The design of the units and wider site has had to balance several constraints, including reducing the reliance on retaining walls, keeping the heights of units to a minimum, and harmonise with the established built environment. The result of this is evident in the varied number of housing types, many of which have tailored designs to respond to different parts and challenges of the site. the loss of various trees on site (including one benefiting from a TPO) is a negative of the proposal, however the proposed landscaping is high quality and, on balance, cumulative with the other benefits of the proposal, deemed acceptable.
- 10.34 In summary, the proposed works would notably change the character and appearance of the site and wider area, while being visible from across the valley. Nonetheless, the proposed development is deemed to be designed to a high standard. The proposal would represent an attractive continuation of the residential environment, while appropriately transitioning to the rural landscape to the west. 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.

The historic environment

- 10.35 Policy LP35 confirms that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm. This reflects the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which require the local planning authority to have special regard to the desirability of preserving the heritage value of identified heritage assets, including their setting or any features of special architectural or historic interest which they possesses.
- 10.36 The site is situated to the west of the Gomersal Conservation Area, with the site's north-east corner close to the corner of the Grade II listed Gomersal Methodist Church burial ground which is within the conservation area. The listed building is bounded by a low stone retaining wall. Bawson Cliffe, a non-listed although high quality historic building considered to be a non-designated heritage asset, is sited due west of the proposed access.
- 10.37 The Gomersal Conservation Area does not have an area appraisal; however, the applicant's heritage impact assessment summarises the area's heritage value as *'the Conservation Area's character derives mainly from its building stock and less from its spatial or landscape qualities. Principal appreciation of the Conservation Area is thus along the Oxford Road and West Lane. There are some long-range views from the east which help to confirm the agricultural origins of the settlement and the general character of the area. By contrast,*

views from the west, across the development site, are limited by intervening later housing development and add little to the appreciation of the settlement's character'. For the listed church, the report likewise identifies that its heritage value stems from its architectural form and appearance, and that 'Nothing within the development site or beyond adds to the appreciation and/or understanding of either the chapel or its graveyard'. K.C. Conservation and Design concur with the above assessments.

- 10.38 Considering the proposal's impact on the identified heritage assets, the application site is outside of the conservation area, and the non-designated and listed building's curtilages, therefore having no direct impact. In terms of their settings, views of the new development and the church, buildings within the conservation, and adjacent Bawson Cliffe would be limited. Given the assessment undertaken above, officers concur that the development would not materially prejudice the identified assets or their respective heritage value.
- 10.39 The proposed development would have a neutral impact upon the identified heritage assets, causing no harm and therefore complying with the aims of Policy LP35 of the Kirklees Local Plan.

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 There are existing residential properties to the east (Cliffe Mount), south (Cliffe Lane), and west of the site (unnamed track).
- 10.42 All separation distances between the new dwellings and to third party dwellings meet or exceed the minimums outlined within the Housebuilders Design Guide SPD, namely 21m between facing rear habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions). Furthermore, the proposed dwellings are to be built on a lower land level, reducing their visibility and prominence when viewed from the neighbouring dwellings, further negating concerns of potential harm from considerations such as overlooking, overbearing, or overlooking.
- 10.43 The proposed three storey dwellings are predominantly centred within the site, away from neighbouring, lower properties. The exception to this is plots 63 – 66, although these would be split level, and have two storeys to their rear, effectively being two storeys when seen from the east (Cliffe Mount). The properties to the south of these plots would see plot 63's side elevation, that would appear three storeys, although as noted above it would be built on a lower land level: therefore, again, its prominence and massing would not be evident and minimise any potential harm caused.
- 10.44 Numbers 287 – 313 Cliffe Lane are bungalows that back onto the site. Each of these have limited rear garden space, with the smallest being circa 4.8m from the rear of the property to the site's boundary. As noted above, officers consider the dwelling-to-dwelling separation distances to be acceptable. However, at present, there would be a landscaped buffer zone between the rear gardens of the identified dwellings on Cliffe Lane and plots 53 – 62. Despite this, the applicant is proposing a 1.8m high close boarded fence on

the boundary to the properties on Cliffe Lane. Ultimately, this fence (or one up to 2m) could be erected without planning permission. However, a more sensitive boundary treatment would be appropriate, potentially designed in consultation with existing residents. Therefore, a condition for an updated boundary treatment is recommended to allow the applicant to consider this matter further. However, for the avoidance of doubt, if the applicant intends to progress with a 1.8m close boarded fence, officers could not reasonably object to this.

- 10.45 Regarding noise pollution, residential uses adjacent to each other are considered compatible and there are no concerns of noise pollution from dwellings. However, the proposal does include the provision of a Local Equipped Area of Play (LEAP). Guidance seeks a minimum of 20m between the activity zone of a LEAP and the habitable room facade of dwellings: this would be achieved (for both existing and proposed dwellings).
- 10.46 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.47 In summary, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings.
- 10.48 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.49 The sizes of the proposed residential units are a material planning consideration. While scale is a reserved matter, layout is a consideration with the applicant providing building footprints and a schedule of accommodation for assessment. Thus, proposed floor spaces are known and accessible. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.50 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	Number of units	Proposed (GIA, sqm)	NDSS (GIA, sqm)
AT_W / 1-bed*	1	67	39
AT_X / 2-bed*	3	67	61
AT_Y / 1-bed*	10	51	39
S_AT_Z / 1-bed*	1	39	39
HT_A2 / 2-bed	20	80	70
HT_B2 / 3-bed	11	95	74
HT_C2 / 3-bed	2	107	74
HT_D3 / 3-bed	8	139	74
HT_D4 / 4-bed**	6	139	90
HT_E2 / 2-bed**	4	95	70
HT_F2 / 4-bed	4	125	90
HT_G2 / 4-bed	1	117	90
HT_H2 / 4-bed	5	152	90
HT_I2 / 4-bed	4	126	90
HT_M1/3 /3-bed**	13	133	74
HT_N2/3 / 4-bed**	4	150	90

* Apartments

** Three storeys

- 10.51 All units meet or exceed the NDSS standards. All would have well-proportioned habitable rooms that are served by good sized windows that provide a clear outlook and level of natural light. The council does not hold policies relating to garden sizes: nonetheless, officers are satisfied that garden sizes are commensurate in scale to their respective host dwellings and overall, the proposed dwellings would offer a suitable standard of amenity for occupiers.
- 10.52 The separation distances within the site, between the new dwellings, are appropriate, raising no issue regarding overbearing, overshadowing, or overlooking between future residents.
- 10.53 Public Open Space in excess of 6000sqm, consisting of amenity green space, natural / semi-natural green space, and a Local Equipped Area of Play (LEAP) (details of the LEAP and its implementation recommended to be secured by condition) would be provided on site and would contribute to the amenity of future residents, as well as those in the area. This is a sizable provision, although it does not account for all required typologies (excluding allotments, parks and recreation, and outdoor sport). To offset the shortfall a contribution of £112,855 is required, to be spent in the local area. While not on-site, the support to local facilities would indirectly support new and neighbouring residents.
- 10.54 The application is supported by an Acoustic Report which has been reviewed by K.C. Environmental Health. This identifies that the ambient noise climate across the application site is associated with distant road traffic noise and is relatively low. A scheme of sound insulation works been developed to protect the proposed residential development from the ambient noise climate. This is considered acceptable, and a condition requiring the development done in accordance with the submitted report is recommended. Subject to these conditions the proposed development would not suffer from undue noise levels, in accordance with Local Plan Policy LP52.

- 10.55 To conclude, the proposed development is considered not to be detrimental 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 Policies LP24 and LP52 of the Kirklees Local Plan.

Highway

- 10.56 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.57 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. The NPPF continues that that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Traffic generation and the local network

- 10.58 First considering traffic generation, the proposal of 97 dwellings is expected to generate the following movements:

	Arrival	Departure	Two-way
AM Peak	8	51	59
PM Peak	38	23	61

- 10.59 The above represents an average of roughly 1 vehicle movement per minute attributed to the site in the peak hours (therefore being lower at other, non-peak times).
- 10.60 In terms of traffic distribution, the applicant has undertaken an assessment of the proposal's anticipated impact on local junctions. The junction capacity assessments have demonstrated that the impacts of the proposed development upon the operation of the local highway network are likely to be negligible and that all junctions would continue to operate with reserve capacity except for the A643 Spen Lane/A651 Oxford Road/A643 Church Lane signal-controlled junction which already operates over the threshold of practical capacity and close to absolute capacity. While this is noted, given the scale of the proposal and limited attributed traffic, it is not considered reasonable for this development to attempt to address an existing situation that it will not materially contribute to.
- 10.61 Including having due regard to other anticipated developments in and around the area, the proposal is not anticipated to materially affect the capacity of the local network and junctions.

- 10.62 Regarding traffic during the construction period, given the scale and nature of the development officers recommend a Construction Management Plan (CMP) be secured via condition (this is typically combined with the Construction Environmental Management Plan (CEMP)). This is to ensure the development would 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. K.C. Highways DM 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 accordingly.

Point of access, internal highway layout, and parking

- 10.63 The proposed access point onto Cliffe Lane (via the demolition of no. 271 Cliffe Lane) and the internal road layout has been reviewed by K.C. Highways who consider it to be acceptable. It is deemed to comply with the standards of the Highway Design Guide SPD. Furthermore, based on the available details, there is no prohibitive reason preventing a road scheme for adoption being brought forward at Section 38 stage.
- 10.64 All dwellings would have a level of dedicated off-road parking in accordance with the Highway Design Guide SPD. Garage spaces are a minimum of 3m x 6m, therefore able to accommodate a vehicle. The provision of these parking facilities is recommended be secured via condition.
- 10.65 In terms of visitor parking, the Highways Design Guide recommends one per four dwellings. This amounts to 24 dedicated spaces, with the proposal including 23 dedicated parking bays. While this falls short of the required standards, the shortfall is minimal and all dwellings would have sufficient private parking. Opportunities for on-street parking, without blocking turning areas, are also anticipated to be available.
- 10.66 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. Several shared private drives are proposed – each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas would be secured by recommended conditions. All units are shown to have adequate space for the storage of three waste bins in their rear gardens.
- 10.67 New retaining walls will be required. These will be within the site and adjacent to the existing highway. Therefore, a condition requiring technical details, to ensure they are an appropriate standard and do not affect the public highway, is recommended.
- 10.68 Given the scale of the development, which would likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse collection services would not access roads prior to adoption or while construction work continues, therefore appropriate arrangements must be considered and implemented.

Sustainable Travel

10.69 Policy LP20 of the Kirklees Local Plan states:

The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.

10.70 The application is supported by a Framework Travel Plan which provides initial review and proposals relating to promoting sustainable travel methods.

10.71 At the local level walking is the most important mode of transport which can replace short car trips which contribute to congestion and pollution. Walking is the most sustainable form of transport which gives people a greater connection with their surroundings whilst also reducing pressure on the environment. The entire village of Gomersal can be reached within the preferred maximum walking distance of 2km as well as parts of Cleckheaton including the town centre to the west and Birkenshaw to the north. Within a 1km walking distance of the site, the following local services and amenities are available:

- Gomersal Local Convenience Store – 140m
- Morrisons Daily and Post Office – 475m
- Sainsbury's Local – 950m
- St. Mary's CE Primary School – 1000m

10.72 The provision of the new active travel connections to PROW SPE/56/10 through the site would also be of benefit to the wider public by improving local connectivity, the design and provision of which may be secured via condition.

10.73 Regarding bus connections, the site is well connected to the bus network. The closest bus stops to the site are located along the A643 Spenn Lane and A651 Oxford Road at a distance approximately 475m from the site vehicle site access onto Cliffe Lane, and pedestrian access onto Ferrand Lane, respectively. Oxford Road is part of the Core Bus Network (as identified in the WY Bus Service Improvement Plan). Bus stops are present on Cliffe Lane, which used to be served by 255 (Halifax – Leeds) although this is noted to not currently be in use. Nevertheless, officers are satisfied that the site has potential for public transport trips to destinations including Leeds, Dewsbury, Cleckheaton and Dewsbury which all allow for further onward connections to be made

10.74 Notwithstanding the above, to promote the use of the bus network, the following contributions are sought to be included within the Section 106 agreement:

- £44,500 towards Metro Cards (or similar)
- £26,000 towards bus-stop improvements

10.75 With regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel

- 10.76 The applicant has submitted a draft travel plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up-to-date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. These core principles are welcomed and demonstrate that sustainable travel measures may be implemented at the site. However, a more detailed final travel plan would be required via condition. A Travel Plan monitoring fee of £10,000 (£2,000 per annum, for five years) would be necessary, to ensure the effective implementation of the Travel Plan, and this would be secured via a Section 106 as part of this outline application.
- 10.77 The site is considered to be within a sustainable location. Furthermore, it would directly link into the PROW network as well as a contribution towards public bus infrastructure. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of policy LP20.

Drainage and flood risk

- 10.78 The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy. This has been reviewed by K.C. Lead Local Flood Authority (LLFA).
- 10.79 First considering flood risk, the site is wholly within Flood Zone 1. There are no nearby flood sources which may be a risk for the development. A small watercourse runs to the north of the site (unnamed, connects onto Nann Hall Beck, which is a tributary to the River Spen) although the intervening topography and level differences between the site and watercourse prevents any risk of flooding onto the site associated with the watercourse.
- 10.80 Considering surface water arrangements, the applicant has followed the drainage hierarchy in reaching their proposed discharge point. Due to ground conditions and topography, infiltration has been ruled out. However, the site is adjacent to the above-mentioned watercourse to the north of the site. It is proposed to discharge to this watercourse, via gravity. Attenuation is to be provided via a subterranean attenuation tank, with the capacity and other features designed such that there is no external flooding for the 1 in 30-year event, and all flows are retained on site for up to the 1 in 100-year event plus climate change. The discharge is to be restricted to the greenfield equivariant rate of 16.1l/s. These arrangements have been reviewed by the LLFA and are supported, subject to full technical details being provided via condition.
- 10.81 The applicant has submitted a flood water exceedance event plan which demonstrates how water would flow in the unexpected event that the surface water drainage system fails. This would direct water into the highway, away from dwelling houses and avoiding their domestic curtilages wherever possible. No flood water would be directed towards 3rd party dwellings.
- 10.82 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. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.

- 10.83 Foul water from the proposed development would discharge to the existing combined sewer on Cliffe Lane. Due to being at a higher level, this would necessitate a foul water pump. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.84 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan.

Ecology

- 10.85 Policy LP30 of the Kirklees Local Plan states 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.
- 10.86 The application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. Overall, the site is limited in its ecological value, being dominated by areas of poor-quality modified grassland, with some areas of bramble scrub, trees and hedgerows providing heightened interest, in the context of the site only. This hedgerow is, however, to be retained (and strengthened) as part of this proposal. From the suite of protected species surveys undertaken at the site to support the application, the proposed development is predicted to have no significant impacts on any ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately-worded planning conditions.
- 10.87 No invasive plant species were identified on site.
- 10.88 Local species have also been considered. Of note, while the site hosts a pond, the presence of Great Crested Newts has been discounted following survey work. A bat (common pipistrelle) roost has been identified in 271 Cliffe Lane. Compensatory measures have been recommended and additional bat roosting features are proposed to be incorporated throughout the scheme will allow for an enhancement in roosting at the site. This is considered acceptable and may be secured via condition.
- 10.89 A condition for an external lighting strategy, to ensure no harm through poorly designed lighting is recommended.
- 10.90 A condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is recommended, to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species. Likewise, a condition for an external lighting strategy, to ensure no harm through lighting, particularly towards the ancient woodland, is recommended.
- 10.91 This application pre-dates the mandatory 10% Biodiversity Net Gain imposed by the Environment Act 2021. Nevertheless, policy LP33 of the Kirklees Local Plan requires that a development secures Biodiversity Net Gain. Therefore, to support this proposal, a Biodiversity Net Gain calculation has been undertaken using the DEFRA Metric v3.1. The submitted metric states that the development would result in 11.41% net gain in habitats and a 35.1% net gain

in hedgerows. This level of net gain is welcomed (without needing an offsite contribution) and ensures that the development would be able to provide an enhancement over the current situation. Several other enhancement measures can also be incorporated into the scheme in order to ensure that provisions for protected species are realised, post-development. A condition for an Ecological Design Strategy, to detail the net gain and other ecological improvement delivery, is recommended along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years.

- 10.92 It should be noted that the above figures are based on an outdated site layout plan. At the time of writing, the applicant is reviewing their metric calculations. Should the above figures fall below 10% net gain, this shall be noted to members within the update.
- 10.93 Subject to the recommended conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

Planning obligations

- 10.94 Paragraph 56 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:
- 10.95 The following represents a policy-compliant set of Section 106 obligations for the proposal:
- **Affordable Housing:** 19 units (20%), consisting of 10 (55%) as affordable rent, 5 first homes (25%), and 4 (20%) as other intermediate.
 - **Public Open Site** (off-site contribution): £122,855 to enhance local open space to be utilised by residents.
 - **Education:** £150,705 to support local schools facilitate the development
 - **Sustainable Travel:** £80,500.50 (£26,000 shelter and real time improvements, £44,500.50 Mcards, £10,000 Travel Plan monitoring).
- 10.96 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site Public Open Space and management / maintenance arrangements for the drainage (prior to adoption), management for the culvert, open space, and ecological features.
- 10.97 The applicant has provided a Viability Assessment seeking to demonstrate that the proposal would not be viable if a full suite of Section 106 financial planning obligations were imposed upon them. The Government's planning practice guidance provides the following overview of the Viability Assessment process, for context:

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission

- 10.98 The applicant's viability assessment has been reviewed by an independent viability assessor (Align) appointed by the council, to advise officers on this specialist subject. The key matters of dispute identified by Align are as follows:
- A 1.51% increase is anticipated sales value (generating £454,000)
 - Abnormal Development costs decreased by £305,000.
 - External costs decreased by £469,756
 - Contingency allowance decreased from 5% to 3%
- 10.99 Planning Practice Guidance indicates that a profit level of 15-20% of gross development value is generally considered to be a suitable return to developers. There are a number of factors that determine what a reasonable level of profit might be, including the availability of development finance, the state of the market and the consequent risk in proceeding with schemes, as well as development values and demand. In determining the appropriate level for an individual development, regard is had to the individual characteristics of that scheme.
- 10.100 In this case, bearing in mind the site's risks (topography, abnormal etc), a profit level of 17.5% has been agreed as appropriate.
- 10.101 Utilising the above variations in calculation to inform their conclusion, Align accept that the scheme cannot provide a full policy-compliant set of contributions. A reduction is therefore needed for the scheme to be viable. Based on their professional assumptions, Align advise that the scheme can fund all non-housing financial contributions and provide £1,628,149 towards affordable housing on-site, which the applicant has agreed to.

10.102 Officers have reviewed the council's Affordable Housing and Housing Mix SPD, to determine the most effective use of this fund. Based on this, the following affordable housing package has been agreed with the applicant:

- **Affordable rent:** 7 units (x5 1-bed apartments, x2 2-bed apartments)
- **First homes:** 5 units (x3 2-bed houses, x2 3-bed houses)
- **Other intermediate:** 4 total (x2 2-bed house, x1 3-bed house, x1 4-bed house)

The above adds to 16 affordable units, or 16.5% affordable units (whereas policy would seek 19 units / 20%), and represents what officers consider to be the most effective and efficient use of the identified surplus £1,628,149, having due regard to identified local needs.

10.103 In terms of the specific plots, the Local Plan requires that affordable units are the same quality and indistinguishable from market units. In this case, the applicant does not have an 'affordable' range of house-types, with those proposed being the same as the market units. Their proposed locations are considered reasonably spread through the site. It is noted that the 7 affordable rent units would all be apartments. With 15 apartments proposed, across two blocks, circa 50% would be affordable. These are proposed to be split 3/4 across the two blocks, which is deemed suitably spread.

10.104 The above reduced affordable housing offer would be in addition to all other policy expected contributions, which are repeated below for convenience:

- **Public Open Site** (off-site contribution): £122,855
- **Education:** £150,705
- **Sustainable Travel:** £80,500.50 (£26,000 shelter and real time improvements, £44,500.50 Mcards, £10,000 Travel Plan monitoring).

Other Matters

Air quality

10.105 The application is supported by an Air Quality Impact Assessment (AQIA). This has been reviewed by K.C. Environmental Health in accordance with West Yorkshire Low Emission Strategy (WYLES) Planning Guidance. The site is not within an Air Quality Management Area, nor near to any roads of concern, although the district's Air Quality Management Area 4 (AQMA) is located circa 1km to the north.

10.106 The traffic flows attributed to the development which are predicted to go towards the AQMA are below the required thresholds set out within the WYLES guidance, therefore raising no concern. Regarding the site itself, Monitoring data provided by Kirklees Council, DEFRA background maps and other emissions sources were reviewed to assess the exposure of future sensitive receptors across the proposed development site. It showed that annual mean pollutant concentrations are below the air quality objectives within AQMA 4. It is therefore predicted that Nitrogen Dioxide (NO₂) and PM concentrations (a measure of the amount of particulate matter in the air) are expected to be below the respective air quality objectives at all locations across the development site, which is located 300m from the A651 and A643, which are major sources of vehicle emissions. The report goes on to say that local roads such as Cliffe Lane and Ferrand Lane are not considered to significantly contribute to road vehicle emissions.

- 10.107 Given the above, the proposal is not anticipated to cause material harm to local air quality which requires a financial contribution. However, on-site mitigation is required, including the provision of EV charging for all dedicated parking, a travel plan promoting alternative mode of travel, and dust mitigation during the construction phase, each of which may be secured via condition.
- 10.108 Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

Contamination

- 10.109 In accordance with Policy LP53, as a major residential development consideration of ground contamination is required. Furthermore, council records indicate the site as being potentially contaminated due to its proximity to a historic landfill. The application is supported by Phase 1 (desktop) and Phase 2 (site investigation) Contaminated Land reports which have been reviewed by K.C. Environmental Health.
- 10.110 The Phase 1 report's conclusion has been accepted; however, the Phase 2 report provides inadequate assessment relating to ground gas and other technical matters for K.C. Environmental Health to support the conclusion. Accordingly, K.C. Environmental Health recommend conditions relating to further ground investigations and the re-submission of the Phase 2 report. Subject to the imposition of these conditions, officers are satisfied that the proposal complies with the aims and objectives of Policy LP53.

Coal legacy

- 10.111 The application site falls within the defined Development High Risk Area, where there are underground coal mining features and hazards that may pose a risk to development. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the Mining Remediation Authority.
- 10.112 In summary the Mining Remediation Authority advise that '*the development layout has clearly been designed around both of the recorded mine entries and their respective zones of influence and subject to the imposition of a planning condition to ensure the recommended remediation, the Coal Authority has no objections to this planning application*'.
- 10.113 In line with the MRA's conclusion, officers recommend that the requested conditions be imposed. Subject to this, the proposal is considered to be compliant with Local Plan policy LP53.

Crime Mitigation

- 10.114 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards 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. A condition for a lighting strategy for private areas (i.e., shared driveways that won't benefit from street-lighting) is recommended. Subject to this, the proposal is considered to comply with policy LP24(e).

Minerals

- 10.115 The site is within wider mineral safeguarding area (Sandstone). 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 c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with policy LP38.

Representations

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

Urban Design

- *The Crime Prevention Report notes that trees should have their branches 2m above the ground and that public areas should be lit: this will erode local character and harm local species.*

Response: Planning requires the balance of various material planning considerations. The reference to 2m branch clearance is general advice offered by the Council's Crime Mitigation Officer but does not form part of this application and is not to be secured by officers. A condition for an ecological lighting strategy is recommended.

- *Bawson Cliffe is identified as a Victorian Villa in the submitted heritage document. This is disputed, and is noted to be Georgian by the objector, who contends that the proposal, particularly the three-storey properties included, will harm its setting and heritage value.*

Response: Bawson Cliffe is not a designated heritage asset (i.e., listed), although has heritage value and may be considered a non-designated heritage asset. The claimed error in the applicant's heritage impact assessment is noted, however, would not fundamentally change how the application has been assessed. Bawson Cliffe is positioned within a sizable curtilage and is separated from the site by the route carrying PROW SPE/56/10. While elements of the proposal would be visible alongside Bawson Cliffe, these would be at some distance and set back, including the three-storey properties. Officers are satisfied that Bawson Cliffe's heritage value would not be eroded or harmed by the proposal.

- *While the site is not Green Belt, it is next to the Green Belt and will bring the urban areas to the fringe of the Green Belt.*
- *Expectation for a buffer zone between the site and Ferrand Lane.*

Response: A landscaped buffer zone, plus Ferrand Lane, would separate the development from the Green Belt, allowing for a suitable transition between the built environment and the open Green Belt land.

Amenity

- *The development, including its associated traffic, will result in harmful noise pollution.*

Response: Noise from cars at residential properties is not considered a materially significant noise pollutant which needs to be formally assessed or controlled.

- *There are insufficient amenities, parks and facilities for local children.*

Response: The proposal includes the provision of a Local Equipped Area of Play on site and includes a financial contribution towards other local public open space, in accordance with policy. Beyond this very limited weight could be attributed to this concern on the planning balance.

Highways

- *Clarity is required on what will happen to the Public Right of Way on Ferrand Lane.*
- *Traffic should not use Ferrand Lane, which is unmade, muddy, and not suitable for more vehicle movements.*
- *The proposal includes pedestrian access onto Ferrand Lane. Ferrand Lane is unadopted and unlit, without a pavement, and is currently only fronted by 5 dwellings. Sightlines on the lane are limited due to its narrowness and hedgerows. The lane is subject to commercial traffic by way of heavy goods vehicles and other traffic generated by the Scout's activity centre. This access proposition poses significant risk to pedestrians.*
- *Questions over the number of accesses onto Ferrand Lane, with an indicated preference to one and no vehicle access.*

Response: Ferrand Lane and the unnamed track to the west of the site hosts PROW SPE/56/10. This would not be changed by the proposal, bar the proposed two connection points, technical details of which (to ensure they are suitable) are recommended to be secured via condition. The connections are welcome, complying with the general principle of supporting pedestrian movements. While the proposal would likely result in an increase in pedestrian movements of the PROW, they are not expected to be significant, given that there are limited amenities which it directly leads to, nor represent a safety concern. No vehicle access or movements are proposed on Ferrand Lane as part of the proposal.

- *The submitted highway documents under consideration relate to 87 units, not 97.*
- *The Road Safety Audit undertaken relates to the original 87-unit scheme, not the proposed 97 units, nor does it take into account take into account the vehicles that will use the access road into the site from Heathfield which currently use the lane adjacent to the house 271.*

Response: While this is noted, the level of traffic attributed to an additional ten dwellings plus those at the Heathfield site would be minimal and would not affect the required geometry of the road, therefore not invalidating the assessments undertaken.

- *The Road Safety Audit notes that large refuse vehicles may cause encroachment onto the onto the opposing traffic lanes of Cliffe Lane*
- *To achieve the required visibility splay into the site, the applicants wish to narrow Cliffe Lane which will, if approved, create major problems for all traffic.*
- *The proposed access is unsuitable, being not fit for purpose, particularly for larger vehicles.*

Response: The refuse vehicle encroachment is noted; however, it would be minimal and would not be unusual. For a once-a-week / limited event, would not materially prejudice safety. Regarding the proposed access works, the access has been assessed by K.C. Highways to be safe and appropriate. Road narrowing would be required, but would ensure that a 6m wide carriageway would be maintained on Cliffe Lane. These works would be subject to a separate technical S278 process.

- *The local road networks are historic, with narrow junctions with poor sightlines. Putting more vehicles into this area is not safe.*
- *Traffic surveys should be undertaken during school days / hours. Those undertaken were only recorded vehicle movements in the periods of 0700 – 0915 and 1500 – 1845 on one day on Tuesday 28th March, and recorded 2,181 vehicle movements.*

Response: Traffic surveys are done during the peak hours for traffic, which these are. The 28th of March is not a holiday period. The methodology of the traffic surveys, and its findings, are considered acceptable by K.C. Highways DM. The assessment undertaken includes considering the capacity of location junctions, as detailed in paragraph 10.60.

- *Bus stops near to the site have had their services cut.*

Response: This is noted, however would not materially prejudice the assessment undertaken.

Ecology

- *The submitted reports are inconsistent in regards to the hedge identified as H1. The agricultural report states it is to be retained whereas other plans are indeterminate. Also, uncertainty what is meant by 'hedge line', which is open to misinterpretation.*

Response: H1 is a hedgerow on the east boundary of the site which is proposed to be retained. A condition is recommended that the works be undertaken in accordance with the Arboricultural Impact Assessment which show it is to be retained, with an Arboricultural Method Statement also recommended for protection measures during construction.

Drainage

- *The surface water is proposed to be discharged to a watercourse on third party land. This is disputed to be a watercourse, being called by the objector a 'ditch' and stating they will not allow any discharge.*
- *Concerns over inconsistency of the proposed surface water discharge rate, with different documents stating different numbers. This should be agreed with the land owner.*
- *The attenuation tank is proposed as geocell. This should be concrete instead, as they are more robust and simpler to maintain.*
- *A petrol interceptor should be included prior to surface water entering the attenuation tank, to avoid hydrocarbons entering the wider water catchment, as well as silt traps.*
- *The neighbouring Spen Valley District Scout Council were not approached or contacted during the applicant's pre-application engagement exercise.*
- *If access is needed to the Fanwood Scout Campsite (to facilitate the drainage arrangements), appropriate safeguarding would be needed.*
- *The development's drainage system would need to deal with any surface water runoff from Ferrand Lane, so this water is also captured and directed through the new system, as part of the agreed flow, along with other design considerations they deem necessary. This includes suitable long-term management and maintenance arrangements, and that the surface water outflow system is installed prior to houses being constructed.*

Response: The above comments were submitted when the application was originally received. Following their receipt, the applicant has confirmed that a meeting between land owners has taken place and an agreement has been made. Notwithstanding this, many of these matters relate to the technical design of the drainage which are recommended to be secured via condition. Other elements relate to land ownership, which would be a private matter between the parties involved.

Other

- *The site is near to Fan Woods Scout Campsite. Residential development near to this will pose a security / safeguarding concern. Also, noise from the development will cause issues for the campsite.*

Response: There is considered no intrinsic security risk associated with the proposed development and this would form a private matter for the parties involved.

- *There is no Tesco superstore in Gomersal, as noted within the applicant's viability statement. There is a small Tesco in Birstall.*

Response: This is noted, although would not materially prejudice the assessment and outcome of the identified report.

- *Dispute the validity of the pre-application community engagement exercise undertaken by the applicant.*

Response: This is noted, although no evidence to substantiate the claim has been provided. Regardless, while pre-application community engagement is expected, it is not a statutory requirement which could weigh against the proposal.

- *Disagreement with national and local policy on the need for housing construction. Reference to research conduct by the London School of Economics and Political Science which is stated to suggest 'that there are better solutions than building new dwellings to solve the problems the UK housing market currently suffers.'*
- *New housing is harmful to the environment, with the objector stating 'Housing accounts for 17% of the UK's CO2 emissions, and new constructions, even those that are energy-efficient, have high material and embodied carbon costs and do not address the inadequacy and inefficiency of the existing housing stock'.*

Response: As set out in paragraph 10.1, planning decisions must be made in accordance with planning policy, as has been detailed throughout this assessment. For the reasons given, the proposal is found to comply with all relevant local and national policies.

- *There are dangerous gasses under the site, associated with coal mining, which should not be disturbed.*

Response: This is noted; however, the matter has been considered by K.C. Environmental Health and there are considered no prohibitive constraints to the appropriate development of the site. However, as detailed in paragraph 10.109 and 10.110, conditions are recommended for appropriate investigation and remediation measures.

- *The site is Green Belt and should not be developed. Brownfield sites should be developed prior to greenfield sites.*

Response: The site is not Green Belt and is allocated for housing in the Kirklees Local Plan. For allocated sites, local and national planning policies do not require brownfield sites to be developed before planning permission is granted for development on greenfield sites. In Kirklees, relevant planning policies encourage the development of brownfield sites, and several major developments on brownfield sites have been granted planning permission by the council.

- *The proposal will increase demands on local amenities, such as schools and doctors, which are oversubscribed and struggling at present. This must be considered cumulative with various other developments expected or being built in the area.*

Response: There is no planning policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that educational and health impacts are an important consideration and that the impact on health

services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges 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. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Regarding schools, an education financial contribution has been secured.

- *The proposal will affect land stability and result in foundational / ground damage to nearby dwellings. Insurance should be offered to existing residents.*

Response: This is considered supposition, with no evidence provided to substantiate the claim to carry weight at this planning stage. The matter of the site's coal legacy has been addressed in paragraphs 10.111 – 10.113, with the Mining Remediation Authority offering no objection to the proposal. Matters of insurance are not a material planning consideration. It is the applicant's responsibility to ensure a safe development and would be a private matter for the applicant consider.

- *The proposal will lead to an increase in anti-social behaviour on Ferrand Lane and in the wider area.*

Response: This is considered supposition and is not considered to weigh against the proposal.

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 the residential development of a housing allocation. While the density is below the typical target of 35 dwellings per ha, due to the site's constraints the proposed density is deemed reasonable, given the constraints on the site. Likewise, the housing mix is deemed appropriate. Therefore, the principle of development is deemed appropriate.
- 11.3 Site constraints including topography and trees, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. Across the various amendments, the design and appearance of the site has evolved to an acceptable position that would be attractive and harmonise well with the character of the area. There would be no undue 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 protected trees, have been addressed through the proposal.
- 11.4 Viability issues have been demonstrated to prevent a fully policy-compliant suite of Section 106 obligations being secured, however a reduced contribution has been negotiated and agreed with the application which would assist in mitigating local impacts of the proposal. Officers consider this package of S106 obligations is justified for this scheme and site.

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. Sample facing materials to be provided (dwellings and retaining walls).
4. Local Area of Equipped Play details to be submitted, approved, and implemented.
5. Updated boundary treatment plan, to include consideration of boundary to numbers 287 – 313 Cliffe Lane, to be submitted, approved, and implemented.
6. Detailed landscaping with management and maintenance arrangements, to be submitted, approved, and implemented.
7. Arboricultural Method Statement to be submitted and approved. Works to be done in accordance with Arboricultural Impact Assessment, with no unidentified tree-works to take place unless further Arboricultural Impact / Method Statement approved.
8. Technical details of retaining walls to be submitted, approved, and implemented.
9. Mitigation to be done in accordance with Acoustic Report.
10. Construction Environmental Management Plan (CEMP), including dust mitigation measures, to be submitted, approved, and implemented.
11. Access to be constructed in accordance with approved plan.
12. Road condition survey to be submitted and approved.
13. Cycle store details to be submitted, approved, and implemented.
14. Waste storage facilities and shared collection points to be provided.
15. Temp waste collection strategy to be submitted, approved, and implemented.
16. Parking to be provided prior to occupation.
17. Updated Travel plan to be submitted, approved, and implemented.
18. Footpath connection details to SPE/56/10 to be to be submitted, approved, and implemented.
19. Drainage strategy details to be submitted and approved.
18. Flood routing details to be submitted and approved.
19. Temporary drainage arrangements during construction.
20. Construction Environmental Management Plan: Ecology (CEMP : Ecology) to be submitted, approved, and implemented.
21. Ecological Design Strategy to secure net gain and other ecological enhancements to be to be submitted, approved, and implemented.
22. Ecological lighting strategy to be to be submitted, approved, and implemented.
23. No site clearance within the bird breeding season (unless appropriate survey undertaken).
24. Electric Vehicle Charging Point (EVCP) charging strategy to be submitted, approved, and implemented.
25. Contaminated land investigation and remediation to be submitted, approved, and implemented (as required).
26. Coal legacy investigation and remediation to be submitted, approved, and implemented (as required).

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92966>

Certificate of Ownership

Certificate B signed.