
Electoral wards affected: Crosland Moor

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:

1. Complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

Highways: £10,000 towards funding waiting restrictions at the site access onto Kingsley Avenue

Biodiversity: Contribution of £56,120 towards off-site measures to achieve biodiversity net gain

Management and Maintenance: Management and maintenance of drainage features in perpetuity (unless adopted by the statutory undertaker), and informal Public Open space on site in perpetuity.

2. Await receipt of the Yorkshire Water consultation response with regards to the newly received calculations of discharge to the public sewer and associated details. Thereafter, proceed as follows:

a) In the scenario where the consultation response from Yorkshire Water confirms no objection, determine the application as set out in 1. above.

b) In the scenario where the consultation from Yorkshire Water includes an objection, officers are to consider the concerns raised and resolve accordingly, including considering whether Yorkshire Water's concerns warrant a refusal of the proposal, whether a condition could be imposed, or negotiate with the applicant to overcome the objection.

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 The application seeks full planning permission for the demolition of no. 18 Kingsley Avenue, to create access and erection of 10 dwellings.

1.2 The application is brought to Strategic Planning Committee, in accordance with the Delegation Agreement, due to a significant number of public representations being received contrary to the Officer's recommendation.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located in Crosland Moor off Kingsley Avenue, and comprises approximately 0.63ha of open land, which hosts a number of mature trees and vegetation. The site is located to the rear of existing dwellings on Kingsley Avenue, whereby vehicle access is constrained. Pedestrians can access the site via an existing access road directly adjacent to no. 18 Kingsley Avenue (to the east) which leads down to Church Street and the play area and recreational ground. Due to the steep topography of the area, the site slopes from south to north.
- 2.2 The site is unallocated within the Kirklees Local Plan and is in private ownership, although it appears to be used informally as open space.
- 2.3 To the east, south and west are residential dwellings, and to the north-west is a play area and recreation ground. It is also important to note that to the east of the site is a railway line, of which the proposed access would run above.
- 2.4 The site does not currently benefit from vehicle access but as discussed below, this is to be created by demolishing no. 18 Kingsley Avenue, a semi-detached two storey property, faced in a mix of buff stone and pebbledash.

3.0 PROPOSAL

- 3.1 The applicant is seeking planning permission for the demolition of 18 Kingsley Avenue to create access and erection of 10 dwellings.
- 3.2 The proposals comprise:
- 10 no. 4 bed dwellings (100%)
- 3.3 There would be four house types across the site and would comprise five pairs of semi-detached properties, all being three-storeys in height, faced in natural coursed stone, with roof materials consisting of slate roof tiles. Roof designs are to be pitched.
- 3.4 Each dwelling is to include private rear amenity space, with some properties also including a small, landscaped area to the front/side. Properties are to be bounded by a mix of hit and miss timber fencing to the rear and between dwellings. A gabion basket retaining wall is proposed to the south, with a criblock half battered retaining wall to the north given the sloped topography of the site.
- 3.5 All units would host three off-street parking spaces through either garaging or dedicated driveways. Three visitor parking spaces are also provided within the site.
- 3.6 The site's surface water is to be attenuated via subterranean attenuation crates (Polystorm PSM1a or similar), to be located towards the southern boundary of the site, opposite plots 7 & 8. A foul and surface water connection is also to be made to the existing public sewers.
- 3.7 Access into the site is to be via a new access from Kingsley Avenue, which is to be created by demolishing no. 18 Kingsley Avenue, with repair works to the attached dwelling (no. 20) to make good. The road would run along the southern boundary of the site, with all 10 plots fronting on to it. Two turning heads are also proposed, with only part of the access road being formally adopted. All of the proposed dwellings would front onto this new road, which is to be partially adopted.

- 3.8 Given the sloped topography of the site, groundworks are proposed to create developable plateaus and level plots. This would involve some areas being raised and lowered, and the provision of some retaining walls. Retaining walls are proposed throughout the site, typically within the rear gardens of properties. Although, a larger retaining wall is also proposed along the southern boundary of the site, to the backs of properties on Kingsley Avenue, along the site access, and to the northern boundary, to the rear of the proposed dwellings.

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

Application site

2022/20699 – Pre-application advice for residential development for up to 9 dwellings. Comments made 02/11/2022.

97/93208 – Outline application for erection of one terraced dwelling. Withdrawn 13/01/1998.

Surrounding area

2023/93455 – Variation of conditions 2 (plans and specifications), 4 (walls/fences), 5 (fence), 19 (lighting) and 20 (waste collection) of previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 04/10/2024.

2023/91259 – Variation condition 2 (plans) and 3 (facing and roofing materials) on previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 24/04/2024.

2021/93457 – Certificate of lawfulness to confirm valid commencement of development approved under 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping within the 3 year time limit given in condition 1. Approved 26/10/2021.

2015/92227 – Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping. Approved 08/02/2017.

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

- 5.1 Prior to the submission of this application, pre-application 2022/20699 was submitted to the council for the erection of 9 dwellings. The current application was validated in 26/06/2023.

- 5.2 On assessment, along with details provided via the formal consultation process and public representation, it was evident certain concerns, and technical matters were yet to be addressed. During the life of the application the applicant and officers have engaged in prolonged negotiations to attempt to resolve the various outstanding matters. The concerns related mostly to density, housing mix/affordable units, design, drainage, trees, highways and access matters.

5.3 Based on the negotiations undertaken and the amendments made, along with the additional supporting documents provided, Officers are now in a position to recommend approval.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019)

6.2 The site is located within a Wildlife Habitat Network and is partially located within a Bat Alert Area. It is also important to note that the site is adjacent to the railway network and PROW (HUD/266/10) runs to the west of the site boundary.

6.3 Relevant Local Plan policies are:

- **LP1** – Achieving 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
- **LP20** – Sustainable Travel
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and Low Carbon Energy
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP38** – Minerals Safeguarding
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP49** – Education and Healthcare Needs
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and Unstable Land
- **LP61** – Urban Green Space
- **LP63** – New Open Space

Supplementary Planning Guidance / Documents

6.4 The following are relevant Supplementary Planning Documents (SPD), or other guidance documents published by, or with, Kirklees Council:

6.5 *Supplementary Planning Documents*

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

6.6 *Guidance Documents*

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), 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 efficient use of land
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 17** – Facilitating the sustainable use of minerals

6.8 Other relevant national guidance and documents:

- DCLG: Technical Housing Standards – Nationally Described Space Standard (2015)
- MHCLG: National Design Guide (2021)

Climate Change

6.9 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.

6.10 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

- 7.1 This 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 was in line with the Council's Statement of Community Involvement adopted at the time of submission.
- 7.2 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.
- 7.3 The end of public consultation was 12/03/2025. In total 83 public comments were received. 30 of the comments were in support of the proposals, 28 were in objection to the proposals (with 2 letters of petition received, one with 16 signatures, and the other with 21 signatures), and 1 general comment.

Officer note: It is noted that several comments were received by the same individuals in objection of the proposals, and therefore the above number of objections (28) relates to the number of individuals that submitted objections, and that the overall number of public comments (83) includes the number of representations received as a whole.

The following is a summary of the comments made:

Objections

Principle of development

- Overdevelopment of the site which will lead to overcrowding.
- The development would result in the loss of much needed open spaces for recreation and community activities.
- There is no shortage of houses in Huddersfield already for sale.
- Kirklees as a whole requires more bungalows/flats not single dwelling family homes.
- The plans are not in line with the Kirklees Local Plan strategies and policies.

Officer note: Noted. Density, housing supply and housing mix are discussed in more detail within the principle of development section of this report, along with the loss of informal open space, and Local/National planning policies.

Residential Amenity

- Concerns in respect of overlooking and the loss of privacy.
- Concerns over the loss of sunlight and overshadowing,
- Concerns in respect of noise and pollution.
- The land in question is used by dog walkers and ramblers; this has not been given much consideration by the applicant.
- The preservation of green space is essential for the overall health and well-being of the community.
- Concerns that damage will be caused when excavating the land to build the new development on gardens neighbouring the land. Stability of the land should be checked.
- The development will disrupt the scenic views at the back of existing properties.

Officer note: Noted. This is all discussed in more detail within the residential amenity section of this report.

Highways and Access

- Concerns in respect of increased traffic and congestion in the area.
- Bin collections get missed due to a lack of access caused by too many cars on Kingsley Avenue.
- The access point for the new development is on a bend with restricted visibility increasing risk of collision.
- More thorough surveys need to be undertaken at peak times to gain a true representation of the daily challenges faced due to the conditions of the road.
- An alternative route needs to be found to access the site.
- Concerns on the safety of pedestrians during construction.
- The proposals would result in restricted emergency access.
- Network rail deem that the development would not be appropriate due to possible dangers posed to the safety of the railway tracks.
- Should development go ahead existing residents should benefit from having rear access and rear drives proposed.

Officer note: Noted. This is discussed in more detail within the highway safety section of this report.

Infrastructure

- Lack of sufficient infrastructure to support the proposed development. This includes strain on local schools, health care facilities and utilities, water supply, and sewage systems.

Officer note: Noted. Infrastructure in relation to doctors and school provision is discussed in more detail within the sustainable development and climate change and planning obligations sections of this report. In terms of water supply and sewage systems both Yorkshire Water and KC LLFA have been consulted on the proposals, their comments can be found within the consultation responses section of this report.

Drainage/Flooding

- The proposal on how surface water will be handled does not seem adequate.

Officer note: Noted. However, drainage drawings have been provided, and KC LLFA and Yorkshire Water have been consulted on these. This is discussed in more detail within the drainage/flooding section of this report.

Design

- The homes will be out of character with the rest of the surrounding area.

Officer note: Noted. This is discussed in more detail within the urban design section of this report.

Trees/Ecology

- Concerns in respect of the impacts on wildlife, trees and fauna and flora.
- The Council has a declaration of a climate emergency; the loss of valuable green spaces and trees goes against this.

Officer note: Noted. This is discussed in more detail within the trees and ecology sections of this report.

Other matters

- No. 18 previously operated as a takeaway.

Officer note: Noted.

- Additional waste will attract more rodents.

Officer note: Noted. However, the proposals are not considered to result in additional unmanaged waste as suitable waste arrangements would be provided as part of any approved scheme.

- The dumping of rubbish has been done by no. 18 to make it look like there is a problem with the land being left empty.

Officer note: Noted. However, this is speculative.

- Concerns that false letters of support are being submitted.

Officer note: Noted. However, letters are inspected upon receipt by the Council's planning support team and there is no clear evidence of false letters being submitted.

- Concerns over ownership of the land.

Officer note: Noted. Land ownership has been discussed with the applicant's agent who confirmed that the applicant owns all the land within the red line boundary. However, should planning be granted and evidence be provided if this is not the case, this would be a legal matter for the applicant and landowner.

- Many residents wish to object but do not know how.

Officer note: Noted. However, details on how to submit representations are provided on both neighbour notification letters and on-site notices posted around the surrounding area.

- The proposals would devalue the properties on Kingsley Avenue.

Officer note: Noted. However, this does not form a material planning consideration when assessing the proposals.

- There is already a problem with anti-social behaviour in the vicinity, and the proposed plans would only make things worse.

Officer note: Noted. The Council's Designing Out Crime Officer has been consulted, and this is discussed in more detail within the Crime Prevention section of this report.

Comments

- Submitted objection comments have been copy and pasted from a separate major housing application on Blackmoorfoot Road and therefore the concerns being raised are not their own and rather opinions and words of others.
- Residents of Kinglsey Avenue appear to have multiple vehicles and therefore the on street parking issues are created by the residents themselves.
- The development would make the area a more aesthetically pleasing and safe place for all.
- Imagery provided to show that no rubbish is dumped to the rear of Kingsley Avenue is outdated satellite imagery.
- The parking and congestion concerns raised by residents is not as bad as it is being made out to be.

Officer note: Noted.

Support

- The provision of new housing will help with the housing shortage in the district.
- The construction of the new housing will create jobs.
- The new homes will bring more residents to Thornton Lodge, increase footfall for local shops, restaurants and services. This can help boost the local economy and create a more vibrant, thriving community.
- The plans appear to be well thought out and complement and enhance the area, making it safer for residents and providing much needed housing.
- Whilst it is acknowledged that during construction/demolition there will be concerns in respect of noise the future benefits would outweigh this inconvenience.
- The site is located within a sustainable area which has good amenities and public transport links.
- The proposals would be a good investment in the future social-geographic development of the local area.
- The proposed houses would be more than 40m away from existing residential properties and therefore this will minimise any impact.
- The new housing will potentially increase the values of other properties in the area.
- The land at present serves no particular purpose except for attracting the antisocial behaviour or fly tipping. The utilisation of this land could limit the antisocial behaviour that currently plagues Crossland Moor and surrounding areas.
- Several trees and bushes are to be removed to allow for the development however to offset this several trees are to be planted in the rear gardens and green space, which will also improve amenity space on site.
- The development of this site would encourage social contacts, cultural exchange, and a sense of belonging, promoting diverse and vibrant communities. Infrastructure improvements, better amenities and green areas all contribute to a higher quality of life whilst adhering to sustainable practices that protect the environment and promote biodiversity.

- The proposals would dramatically improve the look of the area.
- The land is sloped so the development would be lower than the existing houses on Kingsley Avenue so this shouldn't invade anyone's privacy.
- Residents concern for pedestrians during construction – did they consider the safety aspect when they had large extensions built on their houses?
- The new homes would increase overlooking of the adjacent playground which would provide some additional security for the park users.
- The overall positive impacts outweigh the negative impacts and objections raised.
- It is hard to believe that this land has been used for dog walking given its steepness, being overgrown, and the amount of litter and rubbish.
- Neighbours backing onto this land have unlawfully extended their gardens into the 'precious greenery'.
- If the bin collections were such a major issue they would have already been raised with the Council.
- Whilst it is important to preserve green spaces, the land in its present state is not considered to benefit the local community in terms of health and wellbeing as it cannot be accessed or utilised for recreation purposes.
- The road was previously used to access Thornton Lodge Nursery School and during this period there were never any issues with parking or obstructions.
- Children should not be out playing on the street; this is a public road. There are several play areas within a short walking distance in Lockwood/Thornton Grange/Crosland Moor.
- The design and positioning of the new dwellings seem sympathetic to the character and landscape of the local area.
- The proposal addresses the need for family homes, which is in a great location with plenty of amenities and has excellent public transport, with the train station being close by.
- There are many objections which appear to be from residents who have a personal grievance with the applicant, who is also their neighbour.
- A road safety audit has been carried which gives recommendations as to how the parking issues can be resolved.
- The proposals would incorporate sustainable construction practices, green design concepts, energy efficient technologies and environmentally friendly materials.
- The open and abandoned land has been taken advantage of by criminals for robberies. The provision of well lit pathways, security installations and well planned housing layouts can significantly contribute to making the neighbourhood less vulnerable.

Ward Councillors

7.4 At submission the site was within the Crosland and Netherpton ward where members were:

- Councillor Jo Lawson
- Councillor Imran Safdar
- Councillor Alex Vickers

7.5 Councillor Lawson queried whether the application would be taken to Strategic Planning Committee, and due to the high level of representations received contrary to the Officer's recommendation, this application will be heard at Planning Committee as outlined within paragraph 1.2 of this committee report.

7.6 Both Councillor Lawson and Councillor Safdar also raised that they had received a petition from several residents located on Kingsley Road and Yews Hill Road.

Officer note: The above concerns have been addressed within this committee report.

7.7 Following the May 2026 elections the Crosland and Netherton ward boundaries were changed and divided. As a result, the site falls within the new Crosland Moor ward, where members are:

- Councillor Abdul Jabar
- Councillor Imran Safdar
- Councillor Alex Vickers

Parish/Town Council

7.8 The site does not fall within a Parish or Town Council area.

8.0 CONSULTATION RESPONSES:

8.1 The following is a summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways Development Management – Whilst KC Highways did have initial concerns on the layout and access of the site, following discussions and amended plans/details, KC Highways have no objections to the proposals subject to conditions.

Yorkshire Water – When the applicant proposed infiltration as the means of surface water discharge Yorkshire Water initially raised no objections subject to conditions. However, following infiltration being identified as not feasible and the point of discharge being changed to the public sewer, re-consultation has been undertaken on 27/05/2026 in relation to an alteration to the surface water/foul drainage arrangements. Consultee response is outstanding.

Network Rail – No objections subject to conditions.

KC LLFA – KC LLFA originally objected to the scheme due to a lack of information being submitted. Following receipt of amended drainage details KC LLFA have confirmed, via email, that there are no objections to the proposals subject to conditions. Formal comments are pending and expected to be reported in the update.

KC Crime Prevention – No objection, subject to the applicant taking their advice into consideration.

KC Ecology – No objections subject to the inclusion of conditions.

KC Environmental Health – No objections subject to conditions.

KC Highways Structures – No objections subject to the inclusion of conditions.

KC Landscape – No objection subject to conditions.

KC Trees – Following receipt of the requested Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Site Plan, KC Trees have no objections subject to the inclusion of conditions.

KC Waste Strategy – No objection, subject to conditions and with advice offered.

9.0 MAIN ISSUES

- Principle of development
- Urban Design
- Residential Amenity
- Highway Safety
- Drainage and Flood Risk
- Ecology
- Planning Obligations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

The Council's five-year housing land supply and the land allocation (housing allocation)

10.2 The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) 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-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 10.4 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. Thus, the presumption in favour of sustainable development is activated in the consideration of this application.
- 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.

The Quantum of Development

- 10.6 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Policy LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.7 Considering density, the site measures circa 0.63ha in size, and therefore should provide at least 18 dwellings on site. The proposals seek to provide 10 (a provision of 10 dwellings on 0.63ha equates to 16dph) and therefore falls significantly below the recommended 35 dwellings per hectare.
- 10.8 The applicant has provided an assessment to justify their proposed density. This provides several arguments in favour of the proposed density and is summarised as follows:

The site is characterised by several site constraints which limit the ability to increase density further, these include:

- *Severe gradients and the sloping nature of the site;*
- *The railway line to the east;*
- *The site also has a large tree presence which if to be retained alongside the development, requires the site to be carefully arranged;*
- *The need to form an access from Kingsley Avenue takes up 1/3rd of the gross site area.*
- *Pre-application advice supplied by the Council in 2022 acknowledges the following:*

‘As the application site measures 0.94ha it is deemed that the site could potentially be capable of providing 34 dwellings based on the above figures. However, given the nature of the site, proposed site access, railway line, mature planting and the proximity of the site to a children's play area/recreation ground it is considered reasonable that the number of dwellings proposed here would have a lower density than that required within LP7’.

10.9 Officers acknowledge and agree with the above justification, in that given local site constraints, restricted access and the sites openly visible setting, adjacent to existing residential dwellings, a reduced density seems logical and appropriate in this location, therefore on this occasion the proposed housing density is considered acceptable.

10.10 Moving on to housing mixture, LP11 seeks schemes of more than 10 dwellings or those of 0.4ha or greater in size to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). Whilst the proposal seeks to provide just 10 dwellings, the site is greater in size than 0.4ha and therefore housing mixture requirements stated within LP11 are triggered.

10.11 The following is the SPD expectation for Huddersfield South area:

	Market Housing
1 and 2 beds	30-60%
3 beds	25-45%
4+ beds	15-35%

The following sets out the proposals offer:

	Market Housing
1 and 2 beds	0%
3 beds	0%
4+ beds	100%
Total	10

10.12 The proposals market housing mixture does not adhere to the expectations of the SPD, however, it should be noted that the SPD is both a 'starting point' and is applied using a 'comply or justify approach', as opposed to being a mandatory requirement, if further details and/or local circumstance warrant a different approach.

10.13 The applicant has provided an assessment to justify their proposed mixture. This presents several arguments in favour of the proposed housing mixture, which are summarised as follows:

- The proposal currently favours 3 & 4 bedroomed properties; whilst this does not reflect the target mix set out above, these larger family properties add a greater variety into the current housing stock within the immediate area, which is dominated by smaller 2 bed terraced properties with small rear yards. Thus, the proposal's modest (10 unit) addition to the wider housing mix in the immediate vicinity of the site should be seen as a positive rather than undermining the thrust of policy.
- Due to site constraints the site density has had to be reduced; it is likely – although has not been formally verified – that there would be higher than typical abnormal costs associated with the development (particularly in relation to the retaining walls required, and access into the site, which requires demolition of an existing property). To achieve this, it is important to maximise sales values, of which 3 & 4 bedroomed properties are the best way to achieve this.
- Kirklees Council is currently unable to demonstrate a five-year housing land supply of deliverable housing sites and delivery of housing has

fallen below 75% Housing Delivery Target requirement. There is therefore a presumption in favour development (Paragraph 11 of the NPPF). Whilst the housing mix requirements are embedded into policy, there is still a demand for these types of dwellings across the area, and this should weigh strongly in the application's favour.

- 10.14 The weight Officers would afford each of the above arguments would vary in a case-by-case argument. Nevertheless, as also identified by the applicant, this application must be considered with the presumption in favour of sustainable development, as noted in paragraphs 10.2-10.6, due to the Council's lack of a five-year housing land supply. This establishes that housing applications should only be refused (when outside of protected areas, such as this site) if *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.
- 10.15 Notwithstanding the applicant's comments and while giving due regard to the presumption in favour of sustainable development, the proposed housing mixture is considered a negative of the proposal, failing to deliver a diverse selection of house sizes and types, contrary to the aims of the SPD. This must be considered in the context of the planning balance.
- 10.16 First considering the weight to attached to the harm identified, deliberation is given to the points raised by the applicant, it is acknowledged that the immediate area is dominated by smaller terraced properties and therefore the provision of some larger detached properties may be beneficial in this specific area, and given the local constraints of the site, at a time of housing need, the proposal is considered to be of a suitably high quality and is considered to comply with all policy requirements. The proposals departure from the SPD's housing mix target is considered a negative, albeit of limited harm on the planning balance. Also giving some weight to the arguments put forward by the applicant, is not deemed to be reasonable grounds for refusal.
- 10.17 In light of the above, whilst it is acknowledged that the proposal would not accord with the relevant SPD, it would aid in the delivery of housing to meet the Council's targets, and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's impacts, considered below.

Loss of informal Open Space

- 10.18 Given that the existing site appears to be used as informal public open space, as raised within the representations, officers have sought to look into this in more detail. It is noted that this site was identified as open space in the Kirklees Open Space Study 2016 (KOSS) as natural/semi-natural greenspace unused land (site ref OLS 202). It is described in the study as unused/overgrown embankment not suitable as urban green space.
- 10.19 Further information was provided to the Local Plan Examination regarding natural/semi-natural greenspace. Table 3 of the Information on Natural/Semi-Natural Greenspace document lists natural/semi-natural greenspaces not protected under Local Plan policy LP61, including OLS 202 which is described as *'Embankment with some ecological value as mosaic of semi-natural habitats in urban environment. Not suitable as urban greenspace.'* The Local Plan Assessment states that this embankment does not have sufficient open space qualities to perform an urban green space function or merit protection as open space under Local Plan policy LP61.

- 10.20 The definition of open space is set out in NPPF (Annex 2: Glossary) as “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*” In this case, the site does not provide an important opportunity for sport or formal recreation. It was not assessed in the KOSS 2016 as having high amenity benefits, it scored poorly for level of use and was identified as having no public access. In terms of biodiversity, the Council Ecology officer also raises no objections to the principle of development however, they do request that a Preliminary Ecological Appraisal and a biodiversity net gain should be demonstrated in any subsequent planning application.
- 10.21 In this case, the loss of the site as informal open space would not undermine the principle of residential development on this site being acceptable. It is considered the principle of development could potentially be considered to be acceptable in this location, but this is subject to an assessment of the proposal against all other relevant material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

Sustainable Development and Climate Change

- 10.22 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.23 The site is located within an existing established settlement, 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 could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.24 Specific to the development, the applicant has submitted a Climate Change Statement, which details the following design approach:
- Contractors and materials are to be sourced locally;
 - Materials are to be ordered as and when required to reduce waste;
 - Materials to be used within the new build are to be wholly recyclable;
 - Low energy lighting is to be used within the dwellings;
 - The development seeks to maximise thermal insulation levels in the external walls, floor and roof of the dwellings, where possible.
- 10.25 Regarding the social infrastructure currently provided and available in Lockwood (which is relevant to the sustainability of the proposed development), in terms of doctor’s surgeries, 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 although, in summary, the site falls below the relevant threshold to trigger an education contribution (25+ 2bed units).

- 10.26 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), electric vehicle charging points, and other measures have been proposed or would be secured via condition (referenced where relevant within this assessment). A development at this site which is 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 issues

- 10.27 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'*
- 10.28 The site is not within or adjacent to a Conservation Area, and there are no Listed Buildings located within close proximity to the site.
- 10.29 Residential development surrounds the application site along the southern boundary. Further to the east and west are additional residential dwellings, and to the north-west is a play area and recreation ground. The proposal would therefore not appear as a rural extension (i.e., encroaching into open countryside), but more so an infill development. It is accepted that the development of the site would lead to a notable change in the character of both the site and the wider area, and therefore the development of the site would need to respect the topography and character of the area, without being overly dominant. Whilst it is acknowledged that the site is located within a prominent and open location, set at a high ground level, elevated dwellings are not uncommon in the area, given the topography of the district. The dwellings would also be built into the landscape, ensuring that they respect the character of the area. It is considered that the proposed development sufficiently achieves this.
- 10.30 The layout of the development is largely determined by the natural features of the site, which is somewhat constrained by existing development which bounds the site to the south, the railway to the east, the steep topography of the site which slopes from the south to the north, and the restriction to the single access onto Kingsley Avenue. It largely follows the established contours of the land, which is a logical response and minimises retaining works.
- 10.31 In terms of urban grain, it is acknowledged that the wider area is typically defined by rows of terraced properties, of older stock and which are smaller in scale to typical modern housing. However, to the north of the site off Mill Street, there is a new housing estate which is currently under construction, and comprises small, detached dwellings throughout. The proposals are therefore considered to provide more contemporary larger semi-detached dwellings, which are not currently found within the immediate area but are more reflective of new dwellings provided off Mill Street, the proposals are therefore deemed to be acceptable. A sympathetically integrated patchwork of differing scales and designs, to reflect the era of construction, is not atypical for residential dwellings in the urban environments, particularly outside of sensitive heritage zones.

- 10.32 Progressing to the specifics of the proposed dwellings, as is set out in detail in the table of paragraphs 10.53-10.54, all the proposed dwelling houses exceed the minimum space standards set out in the Government's National-Described Space Standards. This is, in itself, not a cause for concern as the standards are minimums, not maximums. Notwithstanding this, the proposed dwellings are not considered to be significantly larger than properties surrounding the site, which vary substantially in scale and size. As the surrounding area is defined by varied house types, the established character area allows for some variance between streets, although it is noted that the area does comprise more traditional style, 2 storey terraced properties.
- 10.33 The sites existing ground level slopes from south to north. Retaining walls would therefore feature throughout the site, ranging between 1 and 6m at the most extreme. With the most extreme retaining wall being located adjacent to the railway line, this is inside the site and is not considered to significantly detract from the visual amenity of the area. In addition, most of the walls are to be contained within rear gardens or within the site and therefore are less visible from wider public vistas. However, it is acknowledged that due to the site's location on top of a slope, and its restricted nature, the large retaining wall to the north would be openly visible from public vantage points to the north, such as from Church Street, and the play area and recreation ground. Nevertheless, there is substantial existing planting which does provide a buffer and would soften the appearance of the retaining wall from these vantage points. Furthermore, the applicant's proposals include 'supplementary planting to Northern corner of site'. While outside of the red-line plan, it falls within the blue land, and therefore a suitably worded condition can secure the provision of this landscaping too (with landscaping of the site considered in more details below). This additional planning will supplement the existing screening, to further mitigate the appearance and prominence of the rear retaining walls. In addition to the above, following discussions with the applicant, stepped gardens have been provided, to try and ensure that this retaining wall is kept to an operational minimal. A condition for the materials of all retaining walls is recommended, to ensure suitable end appearance.
- 10.34 The proposed dwellings are all to be split level, presenting two storeys to the front (south facing), with some single storey sections, while presenting three storeys to the rear (north facing). As mentioned above, dwellings in the area are typically 2 storeys in height, and while those proposed would be larger than is typical for dwellings in the area, the proposed units are not considered to be so unduly large to appear incongruous when viewed within the context of the area. Furthermore, utilising split level properties helps to minimise the need for standalone retaining works, through incorporating the retention into the dwelling structure.
- 10.35 Moving on to the design of the dwellings, architecturally they have a simple and contemporary vernacular. The architectural design of dwellings in the area is varied, however, there is a strong element of 2 storey traditional terraces constructed in stone. Officers consider that the modern attractive vernacular of the proposed units would appear suitably harmonious given that the units would be viewed amongst the less traditional properties on Kinglsey Avenue. More generally, the character of the surrounding area largely comprises 2 storey stone built terraced properties set within small/medium sized plots of a higher density. Whilst the dwellings would have a lesser density than adjacent residential properties the proposals are not considered to significantly detract from the area given their linear arrangement within the site.

- 10.36 Regarding facing materials, whilst the submitted Design & Access Statement outlines a mix of natural course stone to the ground floor and off-white render above, Officers have discussed this with the applicant's agent and it was agreed that the dwellings are to be constructed using natural coursed stone throughout, in the interests of visual amenity. This will be secured via condition, should planning permission be granted.
- 10.37 Roofing materials are proposed as slate tiles. Roof designs are to consist of pitched and mono pitched designs. It is considered in this instance that the roof designs are reflective of properties within the immediate area, and that the materials would be acceptable, subject to a suitable end product being used. This should be complimentary to adjacent development and is likewise recommended to be securable via condition.

Landscaping/Boundary Treatments

- 10.38 Boundary treatments include a mix of hit and miss timber fencing to the rear and between dwellings, a gabion basket retaining wall to the south, and a cribblock half battered retaining wall to the north given the sloped topography of the site. Whilst officers do have concerns in respect of the proposed cribblock materiality, it is considered that should planning permission be granted, as noted previously, a condition should be imposed requiring retaining wall materials to be submitted to the council for assessment prior to their installation. In terms of the timber fencing and gabion basket wall to the south, these materials are typical in the urban environment, and the gabion baskets would be located internally and would not be openly visible from wider public vantage points, therefore they are considered to be acceptable.
- 10.39 Moving on to proposed landscaping, limited details have been provided in respect of soft landscaping, although, given the scale of the development and that outdoor space is limited, this is not unreasonable. Nevertheless, several trees are shown to be retained within the site, with new trees to be planted throughout the site, where able. As noted in paragraph 10.33, this planting includes new 'supplementary planting to Northern corner of site'. While not specified, officers would expect this planting to include tree species which, over time, will form an attractive feature and screen the rear of the properties. The submitted landscaping details are sufficient to demonstrate that a suitably attractive landscaped environment is achievable. The submission of a full landscaping strategy, to demonstrate in detail how this will be achieved, along with a landscape management and maintenance plan is recommended to be secured via condition, should planning permission be granted.
- 10.40 Given that only ten units are proposed, no formal onsite public open space is to be provided within the site however, as noted above, area to the north of the site (within the blue land) is to be left undeveloped, with enhanced planting, and therefore may comprise of areas of soft landscaping to help soften the overall scheme. This land would also provide amenity benefits to existing and proposed residents, regarding an attractive outlook.
- 10.41 In terms of hard landscaping, estate roads are to consist of tarmacadam in a grey/black finish with a decorative border, and paved garden areas are to be finished with Everscape Kemble Sand Outdoor Tiles or similar. These materials are considered to be suitable.

- 10.42 In regard to the existing trees on site, Policy LP33 of the Kirklees Local Plan states:

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

- 10.43 Whilst there are no protected trees within the site, there are many trees of value that have been awarded Category A/B trees within the submitted tree survey. The Arboricultural Impact Assessment notes that no high value trees will be removed in order to facilitate this development, and that no pruning is required as part of the project, and that whilst several trees are to be removed these are mostly low value and/or in poor condition.
- 10.44 Nevertheless, to ensure the trees retention within the site, tree protective fencing is to be erected around the retained trees, as outlined within the Tree Protection Plan contained within the submitted Arboricultural Method Statement (AMS). Recommendations are also provided within the AMS in regard to site inspections, development within Root Protection Areas (RPA), demolition of existing hard surfaces, existing buildings and other features within the RPA, construction of special surfaces, service runs, changes in ground levels, removal of protective fencing and the post construction landscaping.
- 10.45 Given the above, an assessment has been undertaken by the Council's Trees Officer who considers the proposals to be acceptable, and that the development is undertaken in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Proposed Tree Site Plan.
- 10.46 In summary, the proposed works would notably change the character and appearance of the site and wider area, nonetheless, the proposed development is deemed to be designed to a high standard and would infill a portion of land, located on the edge of existing development, thus representing an attractive continuation of the residential environment. 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 National Planning Policy Framework.
- 10.47 The above assessment has been based on the proposal as submitted. Given the layout of the development and its location adjacent to other residential properties, it is considered that further development on the site, via extensions or outbuildings, could notably affect the quality of the design. It is therefore deemed prudent to remove permitted development rights for outbuildings and extensions for all units within the site, a condition of which officers recommended to be included.

Residential Amenity

- 10.48 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.
- 10.49 All separation distances to third party dwellings neighbouring the site notably meet/exceed the typical 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), and the provision of new boundary treatments allows for further screening of the site.
- 10.50 It is acknowledged that topographical differences may warrant a departure from the typical minimums outlined within the Housebuilders Design Guide SPD. The site slopes from south to north and with the changes proposed to ground levels to create developable plateaus and level plots, the dwellings and access road proposed are to be set at a slightly lower ground level than those properties on Kinglsey Avenue, but would be set at a higher ground level than properties located to the west on Church Street. However, this arrangement is not uncommon within the area given the sloped topography of the area in general. Given that the recommended separation distances have been met/exceed and the orientation of dwellings to adjacent residential properties, Officers consider that there are no significant concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature. However, it is considered reasonable and necessary to remove permitted development rights for extensions and outbuildings within the properties to avoid any loss of residential amenity in the future.
- 10.51 Furthermore, it has been raised in representations that adjacent properties currently have a clear view over the site, which is currently undeveloped. Whilst noted, there is no right to a view in planning, and the loss of an attractive view is not a material consideration. The material consideration is the impact of their amenity, through matters such as overbearing, overshadowing and overlooking, which has been discussed above.
- 10.52 As the site is classed as a major development a Construction Environmental Management Plan will be required to address any construction matters which may lead to a loss of amenity to the occupiers of neighbouring properties, this is recommended to be secured via a condition, should planning permission be granted.
- 10.53 In summary, subject to the recommended conditions, Officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.54 The sizes (in sqm) of the proposed residential units is a material planning consideration. 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. 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	No. of Beds	No. of units	Proposed GIA,m ²)	NDSS (GIA m ²)
House Type A (Plots 3, 4, 7 and 8)	4	4	170sqm	130sqm
House Type B (Plots 1, 2, 5 and 6)	4	4	195.28sqm	130sqm
House Type C (Plot 9)	4	1	167.53sqm	130sqm
House Type C (Plot 10)	4	1	195.95sqm	130sqm

- 10.55 All of the proposed units would exceed the NDSS minimums, which is welcomed. All units would also have well-proportioned habitable rooms that are served by good sized windows. The internal spacing and separation distances between the units are acceptable and will not result in overbearing, overshadowing, or overlooking between the new units.
- 10.56 All the dwellinghouses would have outdoor amenity space, including private gardens of a size commensurate to the host dwelling. However, by virtue of the sites sloped topography and need to create level plateaus for the dwellings, retaining walls would be in many of the units' gardens. This does mean that in some instances gardens are subdivided reducing their effective size. Nevertheless, tiered gardens are not unusual across Kirklees, due to the steep topographical parts of the region. Officers consider that the retaining walls proposed within the rear gardens would not result in material harm to the amenity of future occupiers.
- 10.57 Policy LP47 of the KLP refers to healthy, active, and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being.
- 10.58 The requirement to provide on-site public open space is 11 or more dwellings, therefore such facilities are not expected for this proposal. Nevertheless, there are noted to be accessible open spaces directly adjacent to the site that future residents could access.
- 10.59 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise and is not incompatible with existing surrounding uses.

- 10.60 The site is, however, adjacent to the railway. The applicant has submitted a Noise Assessment Report; this report concludes that the target internal noise levels for bedrooms and living/dining areas can be achieved by using adequate glazing specification. Ventilation will also be required for both living and bedroom areas. The external amenity areas exceed the requirements of BS8233 and a 2m high barrier is recommended within the report with a specification given. KC Environmental Health request that should planning permission be granted, mitigation measures recommended within the report shall be implemented and be retained thereafter, securable via a recommended condition.
- 10.61 To conclude, the proposed development is not considered 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 Safety

- 10.62 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.
- 10.63 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.
- 10.64 The volume of traffic generated by the proposed 10 dwellings would be limited. K.C. Highways have identified this as being expected as 7 vehicle movements in the peak hours, or circa one movement every eight and a half minutes over that hour. This would have a limited impact upon the capacity and operation of Kingsley Avenue and the wider highway network.
- 10.65 Access is to be provided via Kingsley Avenue to the south; this would require the demolition of no. 18 Kingsley Avenue, and the relocation of parking for no. 20 Kingsley Avenue to the rear of the property. Suitable visibility has been demonstrated at the entrance, and a rumble strip is proposed. To ensure the junction is kept free of parked vehicles, the developer has been asked to fund a Traffic Restriction Order (TRO) for waiting restrictions at the site access. This would involve a sum payable of £10,000 to be secured via a Section 106 agreement. In addition, the existing lighting column in the vicinity of the site access will require relocating and will be secured via condition.
- 10.66 An independent Stage 1 Road Safety Audit (RSA) and designers' response have been provided regarding the access arrangements associated with the site, which have been considered and addressed accordingly. In summary, the access, as proposed, has been demonstrated to be safe and effective.

- 10.67 Regarding the internal road arrangements, the submitted details and Stage 1 RSA have been reviewed by KC Highways Development Management. It is proposed that the internal layout would be maintained privately (not offered for adoption) as indicated on the submitted highway areas plan ref: PRGN-2329-HGN-DR-CH-0002 (adoption would be subject to separate S38 process). The internal layout has been designed in accordance with the Council's Highway Design Guide SPD as far as reasonably possible but falls short for the requirements of adoption by the Council. Nonetheless, and as confirmed by the RSA, KC Highways Development Management are satisfied that the proposed road would be safe, with all necessary facilities and standards.
- 10.68 The Council's refuse collection team may not enter the unadopted road to collect refuse; if this is not the case, then as a fall-back position a refuse collection point has been indicated adjacent to Kingsley Avenue, allowing refuse teams to collection from the adopted highway. This bin collection area would require residents to present bins for collection at this location on bin collection days. This would include a notable drag distance, particularly for the further plots 9 and 10, that weighs against the proposal, however the harm on the planning balance would not be significant. A condition requiring that the bin-collection point, as shown on the plans, is provided prior to occupation is recommended.
- 10.69 All dwellings would have a level of dedicated off-road parking in accordance with the Council's Highway Design Guide SPD, including suitably sized garages (measuring 6m x 3m internally). In terms of visitor parking, the Highways Design Guide SPD recommends one per four dwellings. This amounts to 2.5 (rounded up to 3) dedicated spaces, which the proposal includes. Furthermore, these spaces are well located through the site, positioned centrally within the site. KC Highways have raised no objection to the visitor spaces. In terms of parking for no. 20 Kingsley Avenue, this is to be relocated to the rear of the dwelling, and would include 2 off-street parking spaces, accessed via the new entrance into the site. This is deemed to be acceptable.
- 10.70 All dwellinghouses are shown to have adequate space for the storage of three waste bins in either their side or front gardens, which is welcomed.
- 10.71 It may be that this development is to be phased, a condition is therefore to be imposed for a waste collection strategy during the construction phase. This is due to refuse collection facilities not accessing roads prior to adoption or whilst construction works continue, therefore appropriate arrangements must be considered and implemented.

Sustainable Travel

- 10.72 Policy LP20 of the Kirklees Local Plan states:

'The council would 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 would accept that variations in opportunity for this would vary between larger and smaller settlements in the area.'

- 10.73 The site is below the threshold for the requirement of a Travel Plan (50+ units). Nevertheless, the volume of traffic generated by the proposed 10 units would be negligible and would have a limited impact upon the capacity and operation of the wider highway network. For sustainable travel, the site is within an established urban envelope, located in close proximity to both Lockwood Local Centre (0.3mile walk), and Thornton Lodge Local Centre (0.4mile walk), indicating close amenities, as well as connections to the public transport network.
- 10.74 A condition is recommended for details of secure (from crime and the elements) cycle storage, for each plot, to promote sustainable travel. Regarding public transport, the site is within walking distance to bus stops on Yews Hill Road and Park Road; both are circa 0.2mile walk. The stops are served by nos. 387 and 393, services, which provide frequent services between Beaumont Park, Blackmoorfoot and to Huddersfield bus station. Lockwood also benefits from a train station, located a 0.2mile walk away from the application site. Based on these considerations, officers are satisfied that the proposal complies with the aims of LP20 (sustainable travel).
- 10.75 Overall, it is concluded that the proposal is acceptable with regard to the matters of access and highway impact. Subject to relevant conditions it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be appropriately mitigated. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

Drainage and Flood Risk

- 10.76 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.77 First considering flood risk from fluvial sources, the site is wholly within Flood Zone 1 and is therefore concluded to be at low risk.
- 10.78 Considering surface water and foul water arrangements, attenuation storage is to be provided via subterranean attenuation crates (Polystorm PSM1a or similar), located towards the southern boundary of the site, opposite plots 7 & 8. Attenuation storage will be provided for rainfall events up to the return period of 1 in 100 year plus climate change. The submitted indicative details are welcome and demonstrate suitable space has been provided for water, although a condition for a fully detailed scheme is recommended. Subject to this condition, KC LLFA raise no objections to this.
- 10.79 During the application process, the developer sought to change the method of surface water disposal from a large soakaway tank (plus a smaller soakaway ring for road drainage) to a gravity connection. This is due to KC LLFA raising concerns that infiltrated water may re-emerge into the railway tunnel or railway embankment that is immediately adjacent to the east of the site, which would introduce a risk of destabilisation. Therefore, the new outfall will be into the Yorkshire Water sewer with a geocell tank providing storage and a hydro

brake rated at 3.5l/s instead of the soakaways. This is determined to be the sequentially preferable (with due regard to the drainage hierarchy) solution, as the soakaway has been discounted on technical grounds. Given the above, Yorkshire Water were reconsulted on this change and were provided with surface water calculations. Their comments have not been received at the time of this committee report being published. It therefore forms part of the recommend that, should members be satisfied with all other aspects of the proposal, the determined of the application be delegated back to the officer to resolve any outstanding comments from Yorkshire Water. KC LLFA consider that there are no issues with the proposed arrangements, that adequate space and provision for water has been provided, and there is no risk for surface water flooding. Nevertheless, confirmation of this, from Yorkshire Water (as the point of discharge is their network) is required.

- 10.80 A strategy for the maintenance and management of the approved SUDs/surface water infrastructure is recommended to be secured via condition, while an obligation to undertake said management and maintenance (until formally adopted by the statutory undertaker) is recommended to be secured via the Section 106 agreement. Finally, conditions are recommended for details of temporary surface water drainage arrangements during construction and final flood routing strategy, during exceedance events.
- 10.81 Considering the above, subject to the proposed conditions and securing the 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

- 10.82 Policy LP30 of the Kirklees Local Plan states that the council will 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.
- 10.83 The applicant has submitted a Preliminary Ecological Appraisal and Ecological Impact Assessment which has been reviewed by KC Ecology. This report states that the site comprises two semi-detached buildings (numbers 18 and 20 Kingsley Avenue) and associated hardstanding, leading to an area of green space to the north comprising dense and scattered scrub, broadleaved plantation woodland, species poor semi-improved grassland and scattered trees. The area is bound by residential dwellings to the south, public green space to the north-west and a woodland belt to the east. The site was evaluated to support local value on a regional scale. The report provides several recommendations for bats, birds, invasive species, reptiles and mammals. As outlined within the Ecological Impact Assessment it is deemed reasonable to include a condition which requires the development to be carried out in accordance with the enhancement strategies contained within the Ecological Impact Assessment.
- 10.84 *Crocsmia*, which is an invasive plant, has been identified on site, as detailed within the submitted Ecological Impact Assessment. It is noted that standard precautions would apply regarding the clearance of this vegetation and its removal is recommended to be secured via condition, should planning permission be granted.

- 10.85 Furthermore, 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.
- 10.86 Turning to net gain, the application was submitted before the mandatory 10% Biodiversity Net Gain requirement in England under the Environmental Act 2021 came into force. Nevertheless, a 10% net biodiversity gain was already required to be demonstrated in accordance with Chapter 15 of the NPPF, Local Plan Policy LP30, and the Council's Biodiversity Technical Advice Note. The applicant has therefore submitted a Biodiversity Net Gain calculation which has been undertaken using the DEFRA metric. This shows a baseline of 4.79 habitat units and 0.14 hedgerow units. There are no watercourse units on site. The proposed development is predicted to lead to a post-intervention value of 2.83 habitat units and 0.16 hedgerow units. Resulting in an estimated loss of – 1.96 habitat units (-40.87%), and 0.02 hedgerow units (15.80%). The applicant will therefore need to provide a minimum of 2.44 habitat units off-site to meet the required 10% net gain.
- 10.87 A condition and Section 106 obligations are recommended, requiring the applicant to provide a minimum of 2.44 habitat units, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the council would be required to spend on compensatory measures at an available site.
- 10.88 Taking the above into consideration, the proposals are considered, subject to conditions and S106 contributions to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- Adjacent Railway Network
- 10.89 The site is adjacent to the railway network. Network Rail has been consulted on the proposals; while their initial response raised concerns in respect of landownership, following discussions with the applicant's agent, these issues have now been overcome. Nonetheless, in the interests of safety, Network Rail's operational needs and the integrity of the railway, Network Rail requested several informative notes and conditions be included on the decision notice, if the council is minded to approve planning permission. These include the following:
- No works to take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.
 - Construction methodology, to be submitted to Network Rail outlining how the construction will be managed to avoid interfering with the operation of the highway.
 - Erection of boundary fencing, as the proposal is likely to increase the risk of access/trespass onto the railway.
 - Drainage condition, ensuring that water flow and/or attenuation features are directed away from Network Rail land.
 - Landscaping, to avoid potentially harmful planting adjacent to the railway.
 - Turning areas/car parking, the design and installation of suitable vehicle incursion measures should be secured.

- 10.90 Officers are satisfied that each of these matters are material planning considerations and therefore the requested conditions are considered to be acceptable, passing the six tests for planning conditions, in the interests of safety and the operational needs and integrity of the railway.
- 10.91 In addition to the above, Network Rail wish to highlight to the developer that they should be aware that any development for residential or noise sensitive uses adjacent to an operational railway may result in neighbour issues arising. Consequently, the applicant has submitted a Noise Impact Assessment which takes into consideration the adjacent railway line and train activities. It concludes that that internal ambient levels from the guidance in BS8233:2014 can be achieved by using an adequate glazing specification and ventilation. The erection of an acoustic barrier is also recommended. This shall be secured via condition.

Planning Obligations

- 10.92 Paragraph 58 of the NPPF confirms that planning obligations must only be sought where they meet all the following:
- A. necessary to make the development acceptable in planning terms;
 - B. directly related to the development; and
 - C. fairly and reasonably related in scale and kind to the development.
- 10.93 Should planning permission be granted, Officers recommend that this permission should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.94 Policy LP11 of the Local Plan and the Council's Affordable Housing and Housing Mix SPD requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. As this scheme seeks to provide just 10 dwellings, this requirement has not been triggered.

Public Open Space

- 10.95 In accordance with Policy LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.96 The requirement to provide on-site public open space is 11 or more dwellings, therefore such facilities are not expected for this proposal. Nevertheless, there are noted to be accessible open spaces within the local area that future residents could access.

Education

- 10.97 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. As this scheme seeks to provide just 10 dwellings, this requirement has not been triggered.

Biodiversity Net Gain

- 10.98 As detailed in paragraph 10.60, a contribution of £56,120 towards off-site measures to achieve biodiversity net gain is recommended to be secured within the S106 agreement, to comply with LP30 of the Kirklees Local Plan.

Highways

- 10.99 As detailed within the highways section of this report, it is recommended that the following contribution towards highways and sustainable travel be secured:

- £10,000 to fund waiting restrictions at the site access (Kingsley Avenue).

The provision of the above is considered to comply with the aims of Policy LP20 of the Kirklees Local Plan.

Management and Maintenance

- 10.100 Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on site, such as the management and maintenance of drainage infrastructure (prior to its adoption by a statutory undertaker), and informal Public Open space on site in perpetuity.

Other Matters

Demolition of no. 18 Kinglsey Avenue

- 10.101 To gain a suitable access into the proposed development site, no. 18 Kinglsey Avenue which comprises part of a semi-detached pair is to be demolished. Drawing no. ACU(100)09 has been submitted which shows elevational details of no. 20 post demolition of no. 18. The drawings show the side elevation of no. 20 being repaired with new soffits to the gable end (to match the existing), new pebbledash render (to match existing) and proposed red brickwork (to match existing). These details are considered to be sufficient; however, it is considered reasonable to include a condition which requires these works to be completed prior to occupation of the first dwellinghouse on site. This is to ensure that repair works to no. 20 are undertaken at a suitable time in the development process.

Contaminated Land

- 10.102 In accordance with Local Plan Policy LP53, as a major residential development consideration of ground contamination is required.
- 10.103 The application is supported by a Phase 1 Desk Top Study Report authored by RB Geotechnical, dated March 2023 (ref: EBG342, Issue 001). Furthermore, the site is noted to be within the Low-Risk Coal Zone. Therefore, a Coal Mining Risk Assessment and consultation with the Mining Remediation Authority is not required, although the MRA's recommended note for development within Low-Risk Zones would be placed on the decision notice, if minded to approve.

- 10.104 KC Environmental Health has reviewed the above document noting that the report suggests that there are no buildings on the site, therefore it has not considered the demolition of the existing dwelling and the potential contaminated land risks associated with the demolition of the property. Nevertheless, the information submitted is considered to be sufficient to demonstrate that development of the site is not prohibited by contamination concerns. Therefore, subject to contaminated land conditions (including an updated Phase 1 report) to ensure safe occupation of the site, KC Environmental Health do not object to the proposal.
- 10.105 The above recommended conditions are deemed to be sufficient mitigation, and to accord with LP53 of the Kirklees Local Plan.

Crime Mitigation

- 10.106 The West Yorkshire Police Liaison Officer has made several comments and recommendations, particularly with regards to climbing aids, EV charging points, secure boundary treatments, public address system, cycle stand security, and maintenance of hedgerow and shrubs. West Yorkshire Police have no objection in principle to the application, provided that their advice is considered and implemented wherever possible.
- 10.107 It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan Policy LP24(e).

Minerals

- 10.108 The site is within a wider mineral safeguarding area relating to shallow coal with sandstone and/or clay and shale. Local Plan Policy LP38 therefore applies.
- 10.109 This states that surface development at the application site would 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 need, having regard to Local Plan delivery targets) for it.

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 demolition of 18 Kingsley Avenue to create access to a new residential development comprising 10 dwellings. The proposed density (16dph), whilst lower than the expected housing density of policy LP7 (35dph), giving due regard to the constraints identified throughout the planning process, means that the proposed 10 dwellings is considered appropriate for the site and complies with the expectations of the Local Plan on this occasion. The housing mixture (i.e. sizes) proposed does depart from the expectations of the Council's Affordable Housing and Housing Mix SPD, which is a negative of the proposal. However, the departure from expectations is considered to have been justified by the applicant within the Density and Housing Mix Statement, and the harm caused is not considered to outweigh the presumption in favour of sustainable development, established by the Council's lack of a five-year housing land supply. Accordingly, the principle of development is concluded to be acceptable.

- 11.3 Site constraints include topography, the adjacent railway line, neighbouring residential properties and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. 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.
- 11.4 In terms of drainage, as outlined within the report during the application process, the developer sought to change the method of surface water disposal due to KC LLFA raising concerns that infiltrated water may re-emerge into the railway tunnel or railway embankment that is immediately adjacent to the east of the site, which would introduce a risk of destabilisation. Therefore, Yorkshire Water have been reconsulted on this change and were provided with surface water calculations. Their response is pending. Should members be satisfied with all other aspects of the proposal, it is recommended that this outstanding matter be delegated back to the officer, to resolve any outstanding comments from Yorkshire Water. KC LLFA consider that there are no issues with the proposed arrangements, however, confirmation of this, from Yorkshire Water is required.
- 11.5 Other planning issues, such as ecology, and trees have been considered and addressed through the proposal.
- 11.6 Accordingly, the development is recommended for approval, subject to deferral back to resolve any comments from Yorkshire Water, with obligations for on-site management and maintenance of both informal public open space and of drainage features in perpetuity (unless adopted by the statutory undertaker), secured via a S106 agreement which has been agreed with the applicant.
- 11.7 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) Development shall be begun within three years of the date of the permission
 - 2) Development to be carried out in accordance with the approved plans and specifications schedule listed in the decision notice
 - 3) Prior to occupation a scheme detailing the dedicated facilities that will be provided at each dwellinghouse for charging electric vehicles and other ultra-low emission vehicles shall be submitted to the Local Planning Authority, and be installed prior to occupation
 - 4) Prior to occupation, details of secure and covered cycle storage for all dwellings shall be submitted to the Local Planning Authority and no dwelling shall be occupied until the approved cycle parking facilities have been provided for that dwelling. Cycle storage facilities shall thereafter be retained.

- 5) Details of all boundary treatments and retaining wall materials (including sections and details of levels) shall be provided prior to commencement of superstructure works
- 6) Samples of the proposed external materials to be used (walls and roofing) within the hereby approved dwellings shall be submitted and approved prior to their use
- 7) Removal of Permitted Development Rights for outbuildings and extensions on all hereby approved dwellings
- 8) Submission of a Landscape Management and Maintenance Plan (LMMP) for the external areas including any open space accessible to the public – approved in conjunction with Network Rail prior to works commencing
- 9) Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority and shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties during construction works
- 10) Before the development is first brought into use, all works which form part of the sound attenuation scheme specified in the Noise Assessment Report shall be completed, and written evidence to demonstrate that the specified noise levels have been achieved
- 11) Before the development is brought into use, details of an acoustic barrier (as recommended in the Noise Assessment Report) shall be submitted to and approved by the Local Planning Authority. The acoustic barrier shall be installed prior to occupation and retained thereafter
- 12) Before the development commences a scheme detailing the location and cross-sectional information and construction/design details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highway shall be submitted to the Local Planning Authority. The approved scheme shall be implemented prior to commencement of the proposed development and thereafter retained during the life of the development
- 13) Before the development commences, a scheme detailing the location and cross-sectional information and construction/design details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to the Local Planning Authority. The approved scheme shall be implemented prior to commencement and retained for the life of the development
- 14) Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environmental Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
- 15) Before development commences, any obstruction shall be set back to the rear of the proposed visibility splays as approved and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved by the Local Planning Authority.
- 16) Means of access to and from the site shall be in accordance with the preliminary access design and be fully constructed and made

- operational prior to first occupation of the development and retained and maintained for the lifetime of the development
- 17) Prior to construction commencing, a schedule of means of access for construction traffic shall be submitted to the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
 - 18) Development shall not commence until a survey of the existing condition of the highway on Kingsley Avenue and surrounding network where applicable has been submitted to the Local Planning Authority. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Kingsley Avenue, shall be submitted to the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.
 - 19) Bin collection area to be surfaced and provided prior to occupation.
 - 20) The development shall not be occupied until the existing lighting column in the vicinity of the site access has been relocated, in agreement with the Council's Street Lighting Engineer.
 - 21) Where implementation of development is to be phased, and/or any dwellings are to be occupied prior to the completion of the development, details of temporary and permanent arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to the Local Planning Authority prior to occupation of those residential units. Temporary arrangements shall be implemented prior to first occupation and be retained thereafter for the duration of the construction works
 - 22) There shall be no piped discharge of surface water from the development and no part of the development hereby approved shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed.
 - 23) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase has been submitted to the Local Planning Authority.
 - 24) Prior to the commencement of development (including ground works), a scheme detailing foul, surface water and land drainage, including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to the Local Planning Authority. No part of the development shall be occupied until the drainage scheme has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.
 - 25) Development shall not commence until an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area has been submitted to the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and shall be retained thereafter.

- 26) Development shall be carried out strictly in accordance with mitigation strategies outlined within the approved Ecological Impact Assessment
- 27) An invasive non-native species protocol shall be submitted detailing the measures for containment, control and removal of *Crococsmia* prior to development commencing
- 28) Prior to development commencing, a Construction Environment Management Plan: Biodiversity shall be submitted to the Local Planning Authority and shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 29) Submission of a Biodiversity Enhancement and Management Plan (BEMP) ensuring no less than a 10% biodiversity net gain, prior to commencement of development
- 30) Submission of a Biodiversity Gain Plan prior to commencement of the development
- 31) No development shall take place in proximity to railway tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works – approved in conjunction with Network Rail
- 32) Development shall not commence until a construction methodology has been submitted to the Local Planning Authority and demonstrates consultation has been undertaken with the Asset Protection Project Manager at Network Rail
- 33) A suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) must be provided prior to works commencing on site, and provision must be made for its future renewal and maintenance.
- 34) The design and installation of suitable vehicle incursion measures to protect the adjacent railway network, must be provided prior to works commencing on site
- 35) The demolition of no. 18 Kingsley Avenue shall be undertaken in accordance with the hereby approved Demolition Impact & Method Statement
- 36) Repair works/reinstatement of the side elevation of no. 20 Kingsley Avenue shall be undertaken and completed prior to commencement of development on the superstructure works of dwellings hereby approved
- 37) Demolition, site clearance or any former structures or any groundworks shall not commence until a Phase II Intrusive Site Investigation Report has been submitted and approved
- 38) Where site remediation is recommended in the above Phase II Report, further works shall not recommence until a Remediation Strategy has been submitted and approved
- 39) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy, however if remediation is unable to proceed in accordance with the Remediation Strategy, or contamination not previously considered is encountered on site, all ground works in the affected area shall cease immediately and works shall not recommence until proposed revisions are made to the Remediation Strategy
- 40) Following completion of any measures identified in the approved Remediation Strategy or revised Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91907>

Certificate of Ownership

Certificate A signed.